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The California Historical Society *Quarterly*

A Brilliant California Novelist, *Gertrude Atherton*

By HENRY JAMES FORMAN

Alcalde Rule: *The Nature of Local Government in Spanish and Mexican California*

By THEODORE GRIVAS

The Spreckelsville Plantation: *A Chapter in Claus Spreckels' Hawaiian Career*

By JACOB ADLER

New Light on the "*Padre of Paradise Flat*"

By JOHN B. McGLOIN, S.J.

MARCH 1961

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GERTRUDE ATHERTON, *by Arnold Genthe, ca. 1902*

Photograph from the Society's Collection

A Brilliant California Novelist, Gertrude Atherton

By HENRY JAMES FORMAN

FROM A CALIFORNIA LADY NOVELIST one expects something light, sparkling, possibly even frothy. Yet Gertrude Atherton in *The Conqueror* produced one of the most serious historical novels, or, if you will, novelized biographies, in our literature. It is thoroughly documented, admirably written, and, once you have read it, unforgettable. For that book alone she deserves to have her life recorded. And this she did herself. Her fascinating *Adventures of A Novelist* is one of the most entertaining books of its kind.

She must have been somewhere in her late forties when I first met her. She was blond, decidedly prepossessing, even what might be called handsome. The youthful sparkle in her eyes assured a sense of humor, and you could not be with her ten minutes without laughter punctuating the conversation.

Even before I came to know her, an acquaintance of hers, the book editor of a newspaper, asked me if I had heard the story about her hus-

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HENRY JAMES FORMAN, now in retirement, moved to Los Angeles several years ago. A distinguished author in his own right, much of his career was spent as editor of *The North American Review*, *The Literary Digest*, and *Collier's*. As author and editor, he came to know the great and near-great in the literary world of New York, London, and Paris during the past half-century. In the fall of 1959, Mr. Forman undertook the tape-recording of his recollections for the Oral History Project at the University of California, Los Angeles. The finished manuscript, aptly entitled, "So Brief the Time," is a mine of literary history. Because his acquaintance was so large, his associations so intimate, Mr. Forman consented to continue with the Oral History Project a series of special recollections devoted to single literary figures. This article is one of those efforts. Allen Nevins once remarked, "Mr. Forman is an artist." One might add, he is also a literary historian.

band and the barrel of rum. I had not. It sounded intriguing and suggestive of Blackbeard, Flint's crew, and the Spanish Main.

The gist of the story was that Gertrude's husband George, for whom she cared not at all, had gone down to Chile on a Chilean man-of-war, the officers of which had been visiting his mother, herself a Chilean, in California. On the way George fell ill and died. The Chilean naval men knew nothing about embalming, yet they did not wish to bury their American guest at sea. They had no way of sending him back to California, most shipmasters being superstitious about carrying a corpse. By the time the Chileans reached Tahiti they had formed a plan. They doubled George up, put him in a barrel of rum and consigned him by a schooner, *Tropic Bird*, to his family in California. A Chilean officer of the warship wrote the family in full detail how what he called "the remnants" were disposed of, and suggested that the family make good the barrel of rum of which the crew had been deprived. Gertrude Atherton never could help chuckling when she told this story, almost smacking her lips upon such phrases as "barrel of rum," "remnants," and cocoanuts. Years later newspapers in the East still occasionally carried the story—with trimmings. The barrel, according to these, was delivered to Mrs. Atherton and dumped on her verandah. She summoned the butler and ordered him to open the barrel—and "there was George!"

Even before that episode she had been bored with her life in Menlo Park. She relegated the bringing up of her daughter Muriel to the child's two grandmothers. She had even begun to do some writing and broke away to the Mecca of writers, New York.

The metropolis, as one may imagine, was a heady draught for this spirited, attractive young California woman. But not for long—only long enough to write one novel. Then it was Paris, London, literary and other society. She was at once the most sociable and the most socially eligible woman novelist of her time. There was scarcely any grouping she did not fit into, provided she wanted to fit into it. She describes a London dinner party that included some of the greatest names of England and America. There she met not only J. Pierpont Morgan, but even Elinor Glyn. How much higher could one go? Her hostess was herself the bearer of a famous name, Lady Jeune, later St. Helier. It was no instance of name-dropping. Her own milieu at Menlo Park, near San Francisco, was also of the top drawer, and she casually mentions that she was a collateral descendant of Benjamin Franklin.

How she escaped marriage after George's death is best explained by her own attitude toward men. "I doubt if I have ever been in love," she wrote. She felt superior to any man who wooed her. She saw him as weak, full of childish absurdities. Some inner voice warned her never to marry again, once she was rid of George. "As time passed, love of freedom developed into a passion." Passion may be too strong a word for any emotion of Mrs. Atherton, for she always seemed to know exactly what she was doing. She appeared at once the least sentimental and the most detached of womankind.

I recall once mentioning to her the name of a certain reviewer on a New York newspaper. I asked whether he had reviewed any books of hers, and whether she did not think him above the average.

"Oh, he doesn't review anything of mine any more." Then, after a pause: "He once asked me to run away with him." I was awestruck for a moment, unable to utter a word. That man must have been far braver than he seemed—to ask this brilliant, polished *cérébrale* to run off with him, as though she were a love-sick schoolgirl. She had crossed verbal swords with James Whistler himself, and her great heroine was Aspasia.

She saw so many fields stretched out before her, she scarcely knew which to cultivate. There was the old Spanish life of California. She knew it well. Was not her own mother-in-law a Spanish speaking lady? Her granddaughter was named Dominga. Many of her friends were half, or in some degree, Spanish. She loved names like Guadalupe Hathaway, and in *The Splendid Idle Forties* she portrayed a bookful of Spanish heroines who are part of the legend of California. Her Eulogias, Eustaquias, her Doña Jacobas, and Doña Modestes will always interest Californians and students of early American history. Besides, her Spanish stories are good fiction. The Dons were doubtless picturesque and interesting, but it was the young women who manifested the passion and romance we associate with Spain. With the one exception of Alexander Hamilton, Gertrude Atherton is far more interested in her female than in her male characters. She was surprisingly thorough in her research. In Santa Barbara she not only studied the remnants of the old Spanish culture, but actually lived in the room once occupied by the heroine of her novel *Rézanov,* Concepción Argüello. She even descended to Los Angeles, which she describes as "a town of some fifty thousand inhabitants, shabby and sleepy."

Her writing was uneven. Fluent, even occasionally sparkling, writer though she undoubtedly was, Mrs. Atherton was no stylist in the sense that Edith Wharton or Willa Cather were stylists. Most of her books, though always marked by a certain ease and brightness, are now forgotten. At the time I knew her, she was experiencing a renovation of her fame with her novel *Black Oxen.* But always when her name was mentioned, it was in connection with that almost epic novelized biography, *The Conqueror.* She, who had never been able to fall in love with any living man, had obviously become infatuated with a man dead nearly a century, Alexander Hamilton. That youthful, almost boyish genius among our Founding Fathers, had so captivated her that she presents him as a captivator of all feminine hearts. She does not, however, lose herself in any sentimental flower garden when she writes of Hamilton. Notwithstanding occasional bits of exaggeration, she presents him as the robust fighter, the acute champion of Federalism, always aggressive in his cause. To her Thomas Jefferson was not only anathema, because he was Hamilton's opponent, but she makes of him almost a sort of scoundrel, because he dared to differ radically from her hero.

Though she had never been to any college, she had the instincts of a scholar when it came to research. She describes in detail a journey to the Caribbean in her search for Hamilton's origins and her hunting down of church and civic records to make certain that Hamilton actually was illegitimate. Once that is established, she makes of his illegitimacy almost a badge of honor, and she is surprised, if not indignant, that some of Hamilton's descendants froze up when the bar sinister was mentioned.

Every novelist knows how difficult it is to paint a genius convincingly. Gertrude Atherton came closest of anyone I can recall among recent novelists in conveying the feeling of genius in her hero. She built him up from his earliest years. When he was still a teen-age clerk in his uncle's warehouse, he was already amazing. His mother is made to say to him: "Remember always that you are to be a great man, not merely a successful one . . . Never try for the second best . . . Unless you identify yourself with the great principles of the world, you will be a failure."

Rachel Levine herself (she never legitimately bore the name of Hamilton) was no ordinary woman—again a keen tribute by Gertrude Atherton to one of her women characters. Rachel was imbuing her son with the will to greatness. Greatness, however, is not necessarily genius. In Alexander Hamilton, by the time we have finished *The Conqueror*, we definitely feel we have lived with genius. We forgive Hamilton even his waywardness, his Mrs. Reynolds, Mrs. St. Croix, or Madame Jumel—as we forgive genius its peccadilloes. There is only one way of achieving delineation of such a character, and that is by intense love for that character.

In a sense love is the only reason for writing about human beings at all. We may not approve of all characters, but we write about them because they are like ourselves, and we love them. But Gertrude Atherton's re-creation of Alexander Hamilton in *The Conqueror* amounts to a grand passion. She may never have been in love with any living man she knew and numerously flirted with, but there is no doubt about her passion for Hamilton. His own wife, who was a Schuyler, just barely gets by in Gertrude Atherton's hands. She is kindly spoken of, one feels, only because she was the hero's devoted and fruitful wife. How could the offspring of the staid Dutch patroons be a match for Hamilton? No woman of his time could match him. Only his chronicler, Gertrude Atherton, might have been worthy of him. But she came too late. Hamilton was shot by Aaron Burr in 1804. *The Conqueror* was published in 1902, nearly a century later.

According to her own statement, *Tower of Ivory*, a novel laid in Munich, with an international and musical flavor, was Mrs. Atherton's favorite book. To me, however, next to *The Conqueror, The Immortal Marriage* was by far the most interesting. With her espousal of feminism, and her firm belief in the brain power and general superiority of women, it was only natural that sooner or later she should choose Aspasia for one of her heroines. One can only wonder why she waited so long, for *The Immortal Marriage* was not published until 1927. What, in the modern phrase, triggered her interest in Pericles and Aspasia is a story in itself.

During her constant wanderings, Gertrude Atherton found herself in the summer of 1925 in Monte Carlo, where the once famous American actress, Mrs. James Brown Potter, was living in her retirement. Mrs. Atherton had brought a letter to her. Mrs. Potter, when she beheld her, started back, gave her a "peculiar glance" and for the twenty minutes of the call, barely spoke. A few days later, after a tea at the Hotel de Paris to which Mrs. Atherton had invited her, she asked the novelist to fall back a few paces as they walked up the hill. She had, she murmured, something to say to her. "You know . . . I suppose you thought I acted strangely when you called the other day. But, you see, I am a mystic. I sat at the feet of a Mahatma in India and have studied ever since . . . The minute you entered the room I knew you were some great woman of the past."

Tormented by the desire, by the need, of placing Mrs. Atherton in her previous incarnation, Mrs. Potter kept asking herself, Who was she? Who was she? Suddenly it came to her. "I sat up in bed and exclaimed aloud: '*She was Aspasia!*' " Mrs. Atherton, while flattered, declared that she could believe in nothing incapable of proof and that reincarnation was not in that category. That is the way Mrs. Atherton records it and, I am quite sure, she believed herself possessed of exactly that scientific detachment. Her clear brain doubtless gave her the conviction that she could not well believe otherwise.

If Mrs. Atherton really disbelieved that she had been a great character in a previous incarnation, she was almost unique. Who has not heard women inform one another, or friendly males, however humorously, that they were Cleopatra, or Ninon de Lenclos, or Madame du-Barry? Reincarnation may lack proof, but nearly every woman vaguely believes in it. Gertrude Atherton's response to Mrs. Potter was: "At least I am grateful to you for giving me an idea. I'll write a life of Aspasia. Why I never thought of it before, I cannot imagine, for there was a time when I thought and speculated a good deal about Aspasia and Pericles." Note that it was not Pericles and Aspasia, but Aspasia and Pericles. She had been in the habit, she declares, of reading the Greek dramatists every year. (She must have had a compact portable library, for she was always on the move.)

She was becoming excited. That meant that the time to set about working up a novel on Pericles and Aspasia was *now.* She must go to Athens forthwith. But it was hot. Athens was impossible before October. Well, there was plenty to be done even before Athens. Lausanne is a neat, quiet, salubrious Swiss city. There she settled with a quantity of books sent by her English publisher, Sir John Murray. She had entertained some idea of doing a League of Nations novel at Geneva, but Lausanne was far more comfortable, and Pericles and Aspasia were inundating her attention.

She read. The list of her references is imposing. All the Greek dramatists, historians, and philosophers she naturally read in translation. But though she knew no Greek, she read herself into a highly perceptive knowledge of Greek, and especially Athenian, history, manners, morals, and customs. She may have had trouble with the plural of ostracon, but she made the golden age of Pericles palpitatingly vivid for the readers of her novel. To this day *The Immortal Marriage* may be read with throbbing interest. Now and then, to be sure, the Greek ladies seem to resemble California matrons. But are not women always and everywhere chiefly feminine? And if Pericles, at times, appears somewhat too monolithic, well, that is the picture we get of him from the Greek historians and his own masterly orations.

Her chief concern, in any case, was to establish Aspasia as not only a woman with a mind, but as a great soul, a loving heart, and a character no storm could blast or shatter. That was Gertrude Atherton's favorite theme—the greatness of woman. In *The Conqueror* no woman appears the equal of Hamilton, and certainly not his superior. That place was reserved. But in *The Immortal Marriage*, Aspasia comes forth from first acquaintance as one marked for greatness and hews to that line, crescendo. What though she was called by her enemies a hetaera, or courtesan, because, not being a native Athenian, her marriage to Pericles was slightly illegal, she yet emerges as perhaps the greatest wife any Greek had the good fortune to possess. "No law," as one of the characters observes, "can suppress genius nor even cleverness combined with ambition." Besides, she was far from being a hetaera, as commonly believed. She was more the equivalent of the modern morganatic wife of a royal personage.

She was radiantly beautiful. Judging by the surviving sculptures, one expects beauty of any Greek woman, but not radiance. Her gracious manner was such, coupled with her penetrating mind, that all the great minds among her contemporaries, Sophocles, Thucydides, Socrates, Phidias, came constantly to discourse with her and to bask in her wisdom. Alcibiades, whom no one could manage, was like a son to her. Indeed, she brought him up. Pericles was the First Citizen of Athens. But Aspasia was the greatest woman in Hellas. And if Plato and Xenophon do not say quite that, they came close to agreeing with Mrs. Atherton.

Beyond a doubt, whether or not she was a reincarnation of Aspasia, Gertrude Atherton was gifted with an historical sense. True, she read voraciously, some two hundred volumes, she believes, for her material. But besides, she says, "I hung the walls of my work-room with large photographs of the temples, statues, and vases of ancient Greece, which I had bought at the Metropolitan Museum. No ruins . . . By this time I was so soaked and saturated in ancient Greece, the Athens of Aspasia and Pericles was far more real to me than the modern world surrounding me, and even Mrs. Potter would have admitted there was no need to go into a trance to invoke the realities of the fifth century B. C."

She tells with obvious joy how, during the writing, she lived and moved in those ancient Athenian streets and dwellings, "dawdled in the *aulas* with the secluded women, listened to the sonorous voices of the men in the Agora – eternally talking! – heard the owls hoot at night . . . Knew every gesture of Pericles, Aspasia, Socrates, the young Alcibiades, Phidias . . . I never deluded myself that I 'was Aspasia,' but I certainly was convinced that I *had lived there*. Else why should it seem so real, press so closely about me? . . . Unless . . ." Her reward for all this toil and all this absorption was not great in a monetary sense. But scholars approved it, and urged its reading upon their students. And Professor Paul Shorey, one of the finest classical scholars of his generation, reviewed it with enthusiasm.

The truth is she was much more than a chronicler. One feels this in her California stories, or even in such a contemporary novel as *Senator North*. In her *Adventures of a Novelist* she tells something of how, after a certain vagueness, which every novelist knows when he is trying to start a novel after a dry period, something suddenly "burst forth like a geyser, and accumulated experiences, impressions, rebellions, deductions poured forth in such abundance that I was almost confused." The book was *Patience Sparhawk and Her Times*, one of her best known novels. She was a highly competent novelist, even if not among the greatest.

The true novelist is at once sensitively absorbent of impressions and experiences and a detached observer of all the processes of living. Gertrude Atherton was clearly both. In one place she tells of an experience bearing out this sense of detachment. She wrote:

"I was not there . . . Neither I nor those others were really alive. Life was a dream and nothing happened . . . Possibly it arises from the same source that has always made me feel a spectator of life, never a part of it."

In some degree every novelist and dramatist has that feeling. The Spanish dramatist Calderón, who wrote *Life Is a Dream*, doubtless felt it acutely. The great geniuses, however, Shakespeare, Dante, Goethe, had not only this detachment, but the much finer faculty of complete inclusiveness, of identity with all humanity, with all life.

Like Sinclair Lewis and many another novelist, Mrs. Atherton was moving restlessly from place to place, seeking a niche, or an atmosphere, in which to write her novel—Munich, Rouen, London, Yonkers, or Mt. Tamalpais in California. Between novels she seemed to drift almost aimlessly. In those intervals her numerous acquaintances came into contact with her. She roved among the gatherings, social, literary, wherever people she knew assembled. She speaks of the Authors' League weekly luncheons held in those days in New York. She attended them assiduously. Those of us who frequented them were always glad of her presence. She was senior to most of us, yet as young in spirit as the youngest. Never an intimate friend, she easily became an intimate acquaintance, and most of those of us who knew her at all were proud of that acquaintance. Though not untouched with malice, her conversation never painfully stung anybody. Her long and varied social experience had taught her that *c'est un mauvais métier que celui de médire*—to speak ill is bad business.

About this time it was that she startled the reading public with a best-seller that was something of a nine-day wonder. With a long-established novelist the books keep appearing from time to time, and the reading public takes them almost as a matter of routine. But now and then a novel attracts more than the usual attention. It was so with Gertrude Atherton's novel, *Black Oxen.*

She must have been in her sixties when she heard of the so-called Steinach operation for rejuvenation. Feeling woefully sterile of ideas at the moment, the most depressing state for a writer, she sought out a New York physician who gave the Steinach treatment, in the hope of reviving her faculties to their usual vigor. She underwent a series of eight treatments, which consisted of X-ray stimulation. It was wholly painless and the immediate effect was to sink her into a sort of torpid state that compelled her to sleep sixteen hours a day. Then, about a week after the treatments, she tells, "I had the abrupt sensation of a black cloud lifting from my brain, hovering for a moment, rolling away. Torpor vanished. My brain seemed sparkling with light." She almost flung herself at her desk, she records, and began to write. In five months she had not only finished the book, but had written it three times. The title itself came as an inspiration. Since the novel dealt with rejuvenation, it was difficult to find a good title without sounding clinical. Then suddenly she thought of some lines by W. B. Yeats she had read years before:

> The years like great black Oxen tread the world,
> And God the herdsman goads them on behind,
> And I am broken by their passing feet.

Black Oxen! The book published under that title revived her fame and replenished her purse. I still recall the searching scrutiny with which every woman looked at her in any house or gathering she entered. She was the talk of the nation's women. She had never looked her age in all the time I had known her. After her treatments it was not so much that she looked younger as that she moved and acted with a certain vivacity we associate with youthfulness. She lived more than a score of years after *Black Oxen* was published. She died in her beloved San Francisco at the age of ninety-four.

Alcalde Rule: The Nature of Local Government in Spanish and Mexican California

By THEODORE GRIVAS

DOUBTLESS, the most important single officer in the administration of local government in California, both before and after the American conquest, was the alcalde. This magistrate, who was a part of the time-honored governmental system of the Spanish colonies, was an adaptation of the Arabian and Moorish *Al-Cadi* or village judge.[1] The practice of selecting an alcalde remained in some towns in Spain after the Moors were expelled. Not universally adopted by Spanish towns, the office of alcalde was, nonetheless, sufficiently recognized as an efficient unit of government to be extended to the colonies of Spain, and included and described in the *Recopilación de Leyes de los Reynos de las Indias (Laws of the Indies)*, the governmental structure of all of the Spanish colonies.

The term alcalde, which has no precise English equivalent (closely corresponds to judge or justice of the peace), was adopted for various offices in the government of the Spanish colonies. There were, for example, *alcaldes del crimen*, *alcaldes de minas*, and *alcaldes ordinarios*, to mention a few.[2] The leading civil magistrate, however, in the colonies of New Spain, where local government was more or less uniform, was the alcalde ordinario.[3] Early assuming patriarchal characteristics, the alcalde ordinario was considered as the father of the village and was more often than not elected to the office. In the *Laws of the Indies*,

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which were modified and supplanted by the Spanish Cortes of 1813 and the Mexican Congress of 1824, some twenty-five articles describe and define duties of alcaldes. Aside from rather perfunctory stipulations, that alcaldes be honest, literate, capable, the *Laws of the Indies* also provided that alcaldes be elected officials.[4]

The establishment of the office of alcalde in California corresponded with the establishment of the pueblo by Governor Felipe de Neve in 1781.[5] In his famous *Reglamento para el Gobierno de la Provincia de Californias* on October 21, 1781, Governor Neve provided for the appointment of alcaldes.[6] Title Fourteen (Título Catorce) on the political government and instruction for settlers states:

> And as is meet for the good and proper government of the pueblos, the administration of justice, direction of public works, apportionment of water, and careful watchfulness over whatever has been provided in these Instructions that the pueblos be given, in proportion to the number of inhabitants, ordinary alcaldes and other magistrates yearly, these for the first two years shall be appointed by the governor and in the following years the settlers shall nominate by and from themselves the public officials that shall have been arranged for. These elections must pass for their confirmation to the Governor by whom said nominations shall be continued if he deems it expedient.[7]

The pueblos—San Jose, Los Angeles, and the Villa de Branciforte—were, therefore, the first in California to be granted alcaldes as their civil magistrates.

During the Spanish period in California some rather serious limitations were placed on the alcalde's authority. This limitation was nothing more than the extension of military control over the municipality. Although the citizens of the pueblos were allowed to elect an alcalde and other officers of the *ayuntamiento*, the real authority in the town lay in the governor's appointed military representative called the *comisionado.* Generally holding the rank of corporal or sergeant in the army, the comisionado was charged with many responsibilities. He conferred upon the citizen's full right and title to their lands, kept the peace, collected local taxes, executed the governor's decrees, supervised the public works, and guarded the manners and morals of the pueblo. Both alcalde and ayuntamiento were subordinate to the comisionado who could annul the acts of the town council and the decisions of the magistrate. The practice of appointing a comisionado ended with the termination of Spanish control, and under the Mexican governors in California the alcalde assumed the position of power in the municipality, although he could not legally annul the acts of the ayuntamiento.[8]

At the time of the United States occupation, California was being governed under the Mexican constitution of 1837.[9] Two special acts of that year, one on March 30th and the other on May 23rd, reorganized the provincial government in California and redefined the qualifications and functions of the alcalde.[10] Under this new reorganization, which established new districts headed by prefects and sub-prefects, the alcalde was relegated to a rather minor role. Unfortunately, however, the complete and successful execution of these laws did not take place under the Mexican government.[11] Ironically, it was the United States military government under General Bennett Riley that succeeded in implementing most of the provisions outlined in these two acts.[12] Prior to the American occupation, the instability of government caused the delay in executing the laws of 1837.

It was this delay, curiously enough, that gave the office of alcalde in California added strength. Since prefects and sub-prefects were not appointed in most districts in California, the duties of these officers naturally devolved upon the functioning office of alcalde.[13] On the other hand, however, according to the Laws of 1837, there were only four towns in California that were legally entitled to alcaldes. Under the act of March 20th, 1837, only the capital of California, coastal towns with population of 4,000 inhabitants, interior towns of 8,000 inhabitants, and towns that had alcaldes previous to 1808 were granted permission to elect alcaldes as civil magistrates.[14] The only towns in California entitled to alcaldes were the three pueblos, Los Angeles, Villa de Branciforte (Santa Cruz), San Jose (these received alcaldes under Neve's Reglamento), and the capital, Monterey, for there were no communities with a population of 4,000 until some time after the American occupation.

The qualifications for holding the office of alcalde were indeed few. Honesty, ability, and literacy were basic requirements desired of, and unhappily rarely found in, all office holders. There were, however, certain specific qualifications that an alcalde needed to hold office. In the first place, he was to be a citizen of the pueblo from which he was being elected. Second, he was to be a civilian, for no soldier was allowed to hold that office except in certain rare cases. Third, he was not to be in debt to the treasury of the province. These simple requirements which were not always carefully observed made the selection of candidates for this office anything but a difficult task.[15]

For the most part, alcaldes in California were selected by the citizens of the town, although Neve's proclamation expressed some doubt of the early citizens to govern themselves and provided for the appointment of these officers for the first two years. Furthermore, provision was made for the governor to appoint alcaldes any time it proved necessary.[16] Appointments of alcaldes, therefore, were made both in the Spanish and Mexican periods in California, as indeed they were during the American occupation.

Clearly the town's most powerful man (during the Mexican period), the alcalde carried his insignia of office on his cane. This silver-headed cane of the alcalde was a power in itself. Not only did it represent the office of alcalde but also it carried the official power along with it. If for some reason the alcalde could not be present at an official function, he would send his cane.[17] It was somewhat surprising to Americans appointed to the office of alcalde to see the authority of the cane always being respected. One such American alcalde commented: "How comforting it is for one to carry his small power at the end of his cane.[18]

Characteristically, the extent of jurisdiction of alcaldes in California was unclear and ill-defined. Certainly his authority was not confined to the immediate boundaries of a small pueblo, but more often extended far into the surrounding country. The districts over which an alcalde served ranged many times from three to five hundred square miles, usually with no definite boundary except the Pacific Ocean.[19] There were areas where the jurisdiction of alcaldes necessarily overlapped, but this created no serious problem since either alcalde would accept jurisdiction in such cases.[20] In some of the large districts such as Sonoma, which extended from the Bay of San Francisco to the border of Oregon, the alcalde was permitted to appoint auxiliary alcaldes to help him administer the area. Many times these auxiliary alcaldes were appointed from the larger ranchers in the areas. These auxiliary alcaldes usually exercised authority in an indefinite area within their own neighborhood.[21]

Before taking office, each elected alcalde had to have the written approval of the governor of the province. Some measure of control was exercised by the governor over the alcaldes, for, not only did he review his election to office, but he also passed approval on decisions appealed to him.[22] During the American period of military government, especially under the administration of Colonel Richard B. Mason, the alcaldes were closely supervised. In the later period of military government, once the gold rush started, the alcaldes elected in the mining camps were virtually autonomous and received no interference from military governors.[23] It was customary under the Spanish and Mexican governments that the governor give elaborate instructions in the confirmation of elections of alcaldes. These instructions usually reiterated general responsibilities and greatly idealized duties and authority of alcaldes. The Americans, on the other hand, simply filled in the appropriate blanks on pre-written forms in appointing or confirming appointment of an alcalde.[24] Generally these forms stated:

> Know all men by these presents, that I, Richard B. Mason, Colonel, First Regiment Dragoons, United States Army, and Governor of California, by virtue of the authority in me vested, do hereby appoint____________________________ alcalde for and in the town of____________________________.[25]

The patriarchial aspects of the office of alcalde, in which he was entrusted with judicial, executive, and legislative functions of government, were definitely a marked contrast to the American ideas of government, and, therefore, difficult for Americans to understand or accept.[26] The Spanish and Mexican practice of combining the legislative, judicial, and executive functions in one officer had served them well and was an accepted form of government. When the Americans arrived, they continued the alcalde in office; and it was not uncommon, therefore, even during the period of American military government, for an alcalde to apprehend and arrest a person, preside over his trial, pass sentence, and finally execute the sentence.[27] When Walter Colton was appointed alcalde of Monterey by Commodore Stockton, he was awed with the power of the office. He stated:

> [This office] devolves upon me duties similar to those of mayors in one of our cities, without any of those judicial aides which he enjoys. It involves every breach of the peace, every case of crime, every business obligation, and every disputed land title within a space of three hundred miles . . . . such an absolute

> disposal of questions affecting property and personal liberty never ought to be confided to one man. There is not a judge on any bench in England or the United States whose power is so absolute as that of the alcalde of Monterey.[28]

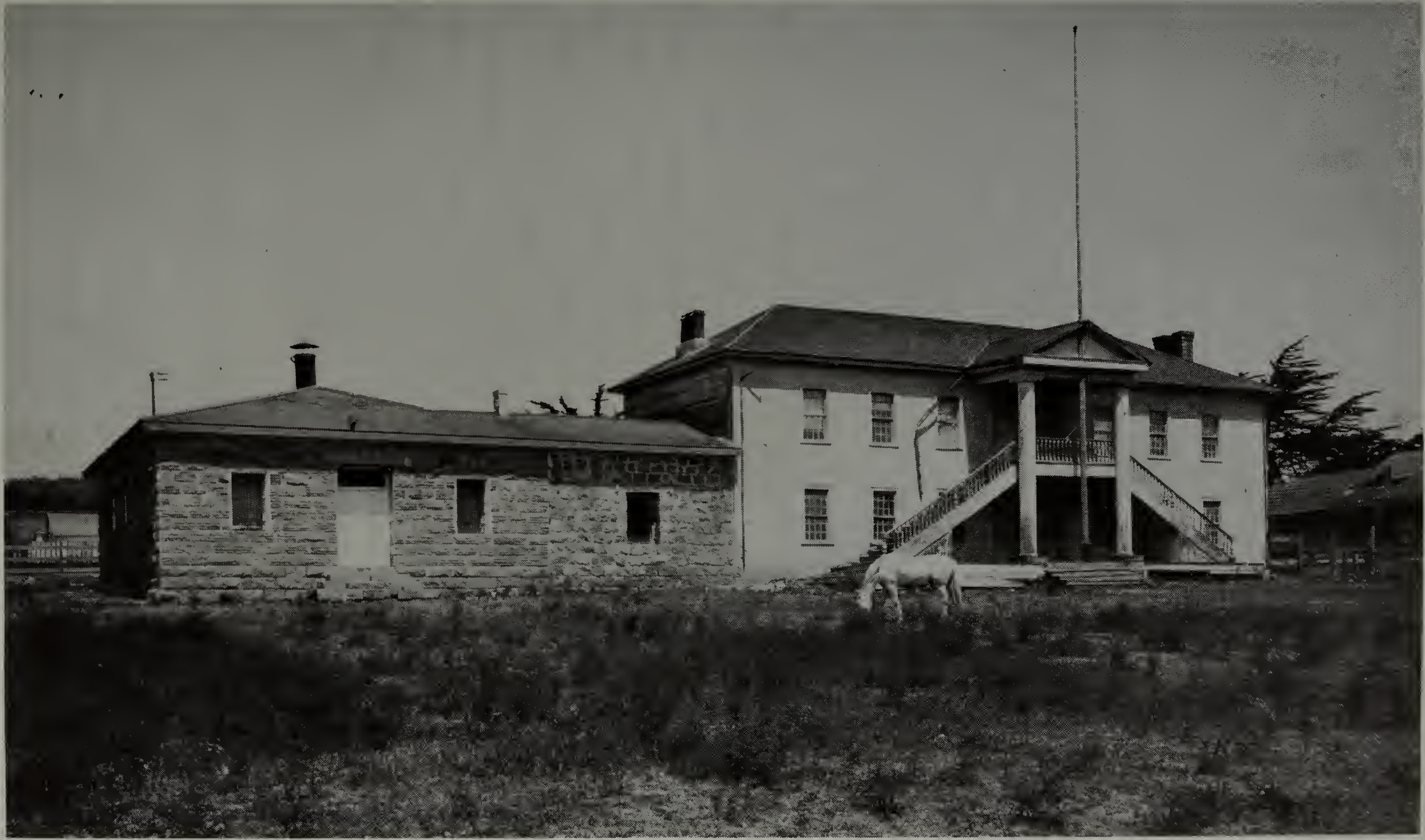
According to the laws of May 23, 1837, the judicial procedure taken by the alcaldes was prescribed as three distinct forms. The first was the conciliation or arbitration. In this trial the parties to the dispute were allowed to bring two arbitors *(hombres buenos)*, one selected by each of the litigants. These hombres buenos heard the facts in the case, considered the law involved, and, after a certain period, rendered their opinion to the alcalde, who was obligated to render the decision in the case within eight days. This trial of conciliation was advisory, for once the alcalde rendered his decision it could either be accepted or rejected by the parties in dispute. If the decision was accepted, the alcalde entered a concise account of the trial in his "Book of Conciliations" which was signed by him, the arbitors, and the parties involved. If the parties disagreed with the alcalde's decision, they were merely obligated to pay the cost.[29] The alcalde's decision was, therefore, far from binding.

The second form of judicial procedure was called the "verbal process." In this procedure the alcalde could try

> civil complaints which [did] not exceed $100.00, and criminal ones respecting trifling injuries and other similar faults that [did] not merit any other punishment than a slight reprehension or correction.[30]

The plaintiff made his complaint orally to the alcalde, who then summoned the defendant. Each party to this suit was ordered to bring his arbitor, and these hombres buenos listened carefully to the facts of the case. The alcalde then heard the opinion of the arbitors and within eight days was required to pronounce his "definitive sentence or decision," and this was subsequently to be executed by the alcalde himself. Again a concise account of the proceedings was entered in the "Book of Verbal Processes" and was signed by the alcalde, the hombres buenos, the contestants, and, in this case, the secretary or clerk. The decision of the alcalde in this case was final, for no appeal was allowed to any other tribunal in the province.[31]

A Court of First Instance was provided under the laws of May 23, 1837, and was considered the chief tribunal in the district. Its jurisdiction extended over civil and criminal cases "of whatever description," the exception being cases where military personnel and clergymen were



Colton Hall, Monterey
Scene of the 1849 Constitutional Convention *(before restoration)*
Photograph from the Society's Collection

involved.[32] The governor made the appointment of the Judge of First Instance; and if this appointment was not made, the senior alcalde of the district sat as the Judge of First Instance.[33] Soon the first alcalde of the district automatically became the Judge of First Instance.

The judicial process of the Court of First Instance was definitely more formal. Written complaints were filed, witnesses called, and a summary of the case made and sent to the plaintiff and defendant, both of whom were given opportunity to reply. Then briefs of both sides were received and made public. After a serious examination of the briefs, the summary and the facts, the alcalde was compelled to return a verdict in eight days. The verdict was then sent to the governor, and if it was approved, the sentence was carried out by the alcalde.[34]

Various other duties of a judicial nature were carried out by the alcalde. There were such things as witnessing of signatures, granting of wills and making them public, and appointing executors to estates. Although only one aspect of his total responsibility, the judicial duties of the alcalde consumed most of his time and were of greater service to the district.[35]

The legislative aspect of the office of alcalde was as presiding officer of the town council or ayuntamiento. The ayuntamiento, another aspect of town government, was provided for in the *Laws of the Indies*.[36] Its introduction in California appears with Felipe de Neve's *Reglamento* concerning the establishment of the pueblos.[37] Beginning with an alcalde and two *regidores,* the ayuntamiento was eventually enlarged to include almost a dozen members. As the presiding officer of the ayuntamiento, the alcalde opened and closed the sessions, appointed various committees, and often took a strong role in the finances of the pueblo.[38] In regular proceedings of the town council the alcalde had a voice and a vote. The jurisdiction of the ayuntamiento was not coterminous with that of the alcalde and did not extend beyond the physical limits of the pueblo.[39]

The chief legislation of the ayuntamiento concerned the welfare of the town and embraced such items as caring for the streets, cemeteries, sanitary affairs, prisons, and hospitals of the city; inspecting provisions, liquors, and drugs; recording births, marriages, and deaths; establishing market-places, paved streets, bridges, parks, and public fountains. It also had the power to establish schools and to pay teachers out of municipal funds. Finally, it was to watch over the weights and measures, handle monies honestly, and make annual reports to the governor. It is not surprising, then, that the alcalde, as presiding officer, had a great deal of influence in the ayuntamiento.[40] During the American occupation, the alcalde at San Francisco was greatly disturbed over his wide authority. He petitioned the governor to divorce the alcalde from the town council, thereby relieving the alcalde of some duties and making the town council a more independently functioning organization.[41] The governor, however, refused to alter the duties and authority of the alcaldes.[42]

The executive functions of the alcaldes probably ranked next in importance to the judicial functions. As the executive officer of his district, he was charged with executing all the legislative acts of the ayuntamiento and any other orders of that body.[43] He was also responsible for executing any ordinances and any decrees promulgated by the central administration of the province. The general practice was that when the alcalde received a decree, he notified the inhabitants of the village by beating a drum and when they were properly assembled, the document was read. The order or proclamation was then posted in some conspicuous public place and became the law. Many of the laws of the governor and even orders from the Mexican congress or president were proclaimed by the alcalde in a similar manner.[44]

The granting of pueblo lands also came under the control of the alcalde as executive officer. The petitions for pueblo lands were received by the ayuntamiento and, generally, referred to a committee which was charged with reviewing these petitions. When the petition was approved, it was turned over to the alcalde, who made the actual grant of land. Each such grant was entered in a book, and a copy of the deed was given to the person to whom the land was granted. Unfortunately, however, the legal process at times was cumbersome; and, therefore, extra legal land grants were made, the result being that the question of land titles arose and became the most important legal controversy in the early statehood of California.[45]

Charged with securing the good order and welfare of the district, the alcalde was required to reprimand idle, vicious, and vagabond persons; to patrol the streets at night to see that all was orderly; to see to it that the citizens of the town lived by useful occupations; and to call upon a military force and/or to muster the citizens in a military unit for the defense of the town.[46] There were many privileges for which the alcalde issued licenses, such as the cutting of timber, use of pueblo lands, and the holding of a fandango. He inspected hides brought into the town for market purposes and saw that they were properly branded. Passports needed to enter and leave the town were issued by him, and there were even cases where the alcalde taught the village school.[47]

It is no wonder then, in view of the many and varied duties of the alcalde, that he was often referred to as the father of the village. Certainly a conscientious person in the office of alcalde would have found it almost impossible to reserve a spare moment for personal affairs.

When the United States forces occupied California in July, 1846, they found the alcalde as the chief local administrative officer. It was expedient for the military commanders of the United States to continue the office of alcalde and to retain as many loyal Californians in the office as was practicable.[48] The combination of legislative, executive, and judicial duties in one man, although odious to many American immigrants in California, was nevertheless advantageous to the military governors in California. The conflicts that would necessarily arise with the division of these functions in separate individuals was prevented by the adoption of the alcalde system by the Americans.

The proclamation issued by Commodore Sloat July 7, 1846, called upon the alcaldes and "other civil officers" to retain their offices and continue their functions as before. There were, however, alcaldes whose loyalty would not permit them to function under American military rule, and in these cases Commodore Sloat appointed Americans, mainly naval officers, to replace them. The appointment of American alcaldes was generally made by the governor, although there is evidence that subordinate military commanders made alcalde appointments.[49] Captain John Montgomery, the military commander of the northern sector of California including the San Francisco region, made appointments of alcaldes during his tenure in office.[50] Commodore Sloat's short tour of duty in California, however, gave him little opportunity to Americanize the alcalde system or to interfere appreciably with their decisions or administrations.

When Commodore Robert F. Stockton succeeded Commodore Sloat as military governor of California, a more vigorous policy of governmental administration was adopted with the result that many alcaldes were replaced with American appointees.[51] The division of California into three sectors with a military commander for each had the effect of bringing the military government into closer contact with local administration.[52] Although no rules or laws were promulgated to this effect, the alcaldes were under the control of the military governor. In cases where American alcaldes were appointed, the presence of American military forces in the area helped them to retain their position.[53] It was one of the functions of the military forces throughout the entire period of military government in California to lend support to local administrative units when needed.[54] This point was strongly advised by Lieutenant W. T. Sherman, the Assistant Adjutant General, in a letter to Colonel John D. Stevenson at Los Angeles. He stated:

> Your several letters of the eleventh instant are received, and I am directed in replying to the several subjects to which they relate to inform you that your views are correct as to the assistance we should afford the civil. The civil officers would without doubt be most willing to shift upon military commanders the disagreeable labor of arresting and quartering their criminals, but this must not be permitted. Officers in command are not only expected to aide civil officers who are unable to enforce their decrees or execute the laws without such aid, and even there a sound discretion should be exercised as to the nature and amount of assistance to be afforded. The degree of assistance to be given by the military government to the civil government necessarily is dependent upon the attitude of the people towards the civil government and the attitude of the military commandant in the area.[55]

Once appointments of local alcaldes were made in key places and control of the province of California considered more secure, Commodore Stockton proclaimed an election, held on September 15, 1846, for alcaldes.[56] One of the early and wiser appointments made by Commodore Stockton was the appointment of Walter Colton as alcalde of Monterey.[57] On September 15, 1846, Colton received a plurality of sixty-eight votes to become the duly elected alcalde of Monterey.[58] As first alcalde of the district, he assumed the post of Judge of First Instance and therefore received appeals from other alcaldes throughout the district.[59]

The fees charged by the alcaldes under the Spanish and Mexican system for various licenses, legalizing signatures, and opening wills were continued by Americans.[60] This had the effect of furnishing the alcalde with a little "side money," but was viewed by some as a form of graft. One contemporary visitor to Monterey made this point:

> A salutary system of police had been established in the town [Monterey] the reverend alcalde was a terror to evil doers. [*sic*] Woe betide the pockets of those who slaughtered cattle at their doorsteps, or the rollicking gentry vaulting at full speed through the streets, or drunken Indians, or quiet persons in back rooms amusing themselves at monte—for down came the ivory-headed [*sic*] cane—'alcalde de Monterey'—like a talisman; and with a pleasant smile he would sweep the white and yellow dross into has captuous [*sic*] pockets. Others were maulked [*sic*] in damages or made to quarry stone for the schoolhouse; but, whether native or foreign, the rod fell impartially on their pockets, and all, more or less, contributed towards the new California college. These measures were not relished at first by the natives, but in the end they discerned the wisdom of a prompt and just administration of the laws, and became devoted admirers to the indefatigable alcalde.[61]

The problem of quartering prisoners because of the lack of proper jail facilities plagued the alcaldes in California both under the Spanish and Mexican rule as well as during the period of military government. It was found more convenient by the alcaldes to impose a proper fine upon the individuals being sentenced rather than send them to jail.[62] Alcalde Colton, however, formed a labor gang and put the prisoners to work erecting the first "important" building in California, Colton Hall.[63] Here in 1849 the constitutional convention met and framed a state constitution.

The Californian, the first newspaper printed in English in California, of which Walter Colton was the co-editor, listed several areas where the alcalde and the council of Monterey legislated for the district.[64] Laws were passed regulating the selling of liquor and prohibiting gambling. A news items in the *Californian* of August 29, 1846, called attention first to the superior tribunal of Monterey which took cognizance of all cases that came within the alcalde's decision in that district. Then, by way of some judicial promotion, this statement was made:

> The magistrates of Monterey sit daily and give patient attention to all cases that are brought before them. On them devolves the civil police of the town and district. Their investigations are thorough, their decisions prompt, and impartial. Their office is open from nine o'clock a.m. to four o'clock p.m.[65]

Alcalde Colton became a credit to his office and was highly respected by both Californians and Americans. It appears from his many decisions that the welfare of the community was his main objective, and he impartially observed the law toward that end. When a man of questionable reputation appeared before him asking for a warrant for the arrest of his mistress who had run away and carried off some valuable jewelry, Alcalde Colton refused to grant his request. He stated:

> And as to the warrant, I should issue none, and would not if she had carried off everything in his house and him, too; for I should consider the community quit of two persons who could in no way benefit its morals.[66]

Colton was also careful not to violate any of the strong customs and traditions of the Californians. Aware of the strong family ties among Californians and the almost blind obedience bestowed upon the parents by the children, Alcalde Colton severely chastised an unmarried son for striking his mother. Colton stated:

> A California mother complained to me today that her son, a full-grown youth, had struck her. Usage here allows a mother to chastise her son as long as he remains unmarried and lives at home, whatever may be his age, and regards a blow inflicted on a parent as a high offense. I sent for the culprit; laid his crime before him, for which he seemed to care but little; and ordered him to take off his jacket, which was done. And putting a reata into the hands of his mother, whom nature had endowed with strong arms, directed her to flog him. Every cut of the reata made the fellow jump from the floor. Twelve lashes were enough; the mother did her duty, as I had done mine, the parties were dismissed. No further complaint from that quarter.[67]

The introduction of the jury system into the alcalde court is credited to Alcalde Colton of Monterey.[68] Certainly the use of hombres buenos under the Mexican system was in itself a quasi jury.[69] The breach between the two was not so wide as to make introduction of the jury system difficult. Therefore, in September of 1846, Colton empaneled the first jury with some measure of success. Colton's account states:

> One-third of the jury were Mexicans, one-third were Californians and the other third Americans. This mixture may have the better answered the ends of justice, but I was apprehensive at one time it would embarrass the proceedings; for the plaintiff spoke in English, the defendant in French, the jury, save for the Americans, Spanish, and the witnesses all languages known to California. But through the silent attention which prevailed, the tact of Mr. Hartnell, who acted as interpreter, and the absence of young lawyers, we got along very well.[70]

The ingenuity of the alcalde was taxed from time to time for various reasons, foremost being to obtain honest testimony. Swearing on the Bible had some affect among witnesses, but at times stronger "medicine" had to be used. One alcalde in Colton's district was faced with a witness who did not have the best reputation for veracity. According to Colton:

> He thought it best to swear him pretty strongly; so he swore him on the Bible, on the Cross, by the Holy Angels, by the Blessed Virgin, and on the *twelve* Evangelists. I have written him for some information about eight of his evangelists, as I have no recollection of having met with but four in my Biblical readings.[71]

The alcalde appointed at San Francisco was also a military officer, Lieutenant Washington A. Bartlett.[72] During his rather stormy administration in which a citizens committee accused him of misappropriation of funds, Alcalde Bartlett officially changed the name of the town from Yerba Buena to San Francisco.[73] Also within a month after Colton empaneled the first jury, Bartlett at San Francisco did likewise. Edwin Bryant, who succeeded Bartlett as alcalde, reported the trial as follows:

> The proceedings were a mixture, made up of common law, equity, and a sprinkling of military despotism—which last ingredient the court was compelled to employ, when entangled in the intricate meshes woven by the council for the litigants, in order to extricate himself.[74]

By the time, therefore, of General Stephen Watts Kearny's administration as military governor, the empaneling of juries in alcalde courts was almost a well-established custom.

The naval officers appointed as alcaldes by Commodore Stockton were removed when General Kearny became military governor of California.[75] In his proclamation to the people of California, Kearny indicated his plan to continue the existing laws (meaning Mexican laws) in force. He stated:

> The laws now in existence, and not in conflict with the Constitution of the United States, will be continued until changed by competent authority; and those persons who hold office will continue in the same for the present, provided they swear to support that Constitution, and to faithfully perform their duty.[76]

For the most part, civilians were appointed as alcaldes in replacement of the naval officers appointed by Stockton. In coastal sections of California, where alcaldes were appointed or elected, the military governor exercised a good deal of control over their official acts.[77] In the interior sections, because of their remoteness, the military seldom interfered, and the alcaldes continued to exercise their normal authority in those districts. Particularly close watch, however, was kept by Governor Kearny over the acts of the alcaldes in the coastal sections. To the alcalde of San Diego, H. D. Fitch, Kearny promised military assistance in carrying out any of his judicial acts and virtually ordered that certain persons be fined and imprisoned.[78] John H. Nash, the alcalde of Sonoma, was ordered to reverse a decision and reinstate the defendant, Colonel Victor Burton, to his property and withdraw any damages ordered by the court.[79] Similarly the alcalde of San Jose, John Barton, was ordered to dismiss a case which had been earlier decided by the Mexican courts.[80] Kearny further ordered that any suit decided by the former courts of the country were not to be retried by the alcaldes under the military government in California.[81]

General Kearny's successor, Colonel Richard Mason, assumed a closer supervision of all levels of government in California. He styled himself as a military governor and did not hesitate to say so. Similarly, he did not feel a bit strange in exercising authority over the alcaldes and properly defined their function under military rule. He stated:

> In the present condition of affairs in California, the alcaldes are not 'authorities of California,' nor are they Mexican authorities. They are civil magistrates of California, and are therefore the 'authorities of California' within their respective jurisdictions, subject to removal from office by the authority of the Governor, and from the circumstances which the country is at present placed, and that must necessarily be so.[82]

Mason conscientiously attempted to place trustworthy and capable people in the office of alcalde. By 1848 most of the *alcaldías* in California were in the hands of Americans. A mere handful of alcaldes were native Californians.[83]

The Treaty of Guadalupe Hidalgo did not change the authority or status of the alcalde in California. With the adoption of the Mexican Laws of 1837, the alcalde's position was made more secure, although in some areas attempts were made to abolish alcaldes altogether. This was almost carried into effect in San Francisco in the early part of 1849.

The effect of the gold rush on the alcaldes was more noticeable. In the first place, the increased population in California created a need for more local government in the ubiquitous mining camps. Alcaldes, therefore, served as magistrates, and, in the mining districts, they were almost universally elected to office.[84] Secondly, the alcaldes elected were usually Americans and almost completely uninformed of Mexican laws. They were, however, for the most part, free from interference from the military government.[85] Thirdly, in the mining districts, the alcalde was relieved of his executive functions, a constable or sheriff being appointed to carry out his decrees and decisions.[86] A contemporary observer stated:

> Districts are set off, their boundary determined by local convention. An alcalde, or governor, is elected by popular suffrage, and an executive officer to carry into effect his decisions. There is no council or legislature. The alcaldes court is strictly a court of equity. He decides all matters of offense or individual rights . . . . Murder is punishable by hanging; as is larceny, second or third offense. Smaller grades of crimes and misdemeanors, are punished by whipping, cropping, and banishment. The alcalde decides all matters of disputed claims. The system generally works well. Where all are so mutually interested in supporting the laws and good order, the decisions of the alcaldes are acquiesced with and enforced with little difficulty.[87]

As the miners' camps increased in population, some attention was given to the establishment of government. The miners' courts, therefore, gave way to the alcalde, who was elected as the judicial authority in the mining district.[88] Once elected, the alcalde's word was the final judicial ruling on a case, since there was no appeal. This, which sometimes proved odious to some people, was much more preferable to the miners' court and the evil consequence of "lynch law."[89] A visitor to the mining regions states:

> Whenever a sufficient assemblage of miners exists to be thought worthy of judicial attention, an alcalde or justice of the peace was appointed, who presides over the judiciary department with almost as unlimited sway as an emperor. And although in addition to an alcalde a sheriff is appointed to be a permanent officer, and cases are almost universally tried by jury, which is summoned by the sheriff, yet they are generally selected of a stamp congruous to the feeling of the alcalde. From the decisions, no appeal can ever be made, whether right or wrong. I would likewise remark, that decisions are apt to be made against a party having the most gold, and especially if one of the partners is rather low in circumstance.[90]

The ingredients needed for alcalde success were simply a feeling for the underdog and summary handling of the particularly odious crimes of horse stealing and claim jumping. Visitors in the mining districts were impressed by the presence of law and order. There were districts with 2,000 or more people and sufficient wealth to tempt many into stealing. The severity with which claim jumping and stealing were dealt with made many of the mining districts relatively free of that sort of crime.[91] It was reported by one visitor that:

> A man may dig a hole in the dry ravines; and, as long as he leaves a shovel, pick or crowbar, to show that he still intends working it, he is safe from trespass. His tools may remain there for months without being disturbed. There are, of course, exceptions to the rules, but they are not frequent. . . .[92]

This situation prevailed more during the early days of the gold rush, 1848, and the early part of 1849. The exceptions began to appear with the great migration of 1849.[93]

A distinctive feature of the alcalde court in the gold rush was their swift justice. The American alcaldes, not being hampered by any particular laws, would insist that cases be summed up quickly by the lawyers.[94] Decisions by both jury and alcalde were definitely not long in coming. One alcalde, who was Judge of the First Instance, and who gained a reputation for swift, unusual, but fair justice, was William B. Almond of San Francisco.[95] His court was in session from eight o'clock in the morning until ten or eleven at night, the result being that he had difficulty in keeping clerks. One clerk, stating that he was killing himself at the pace demanded of him at the court, resigned after a month's work.[96] Judge Almond, however, pushed through the cases at an extremely rapid pace. He allowed each lawyer five minutes to plead his case and no more. If the lawyer insisted on more time, Judge Almond stated that he would allow him the time, but that the court would decide the case against his client.[97] Needless to say, the attorney summed up his case in the five minutes allowed.

Professional people in California during the gold rush were few, and therefore their services were priced quite high. Generally, the price of one ounce of gold ($16) was the price charged for the most basic service by the lawyers, doctors, or dentists.[98] The services of a lawyer involving an hour or two before an alcalde amounted to a hundred dollars or more.[99] Court costs, which were paid by the losing party, amounted to an ounce to the alcalde, an ounce to the sheriff, and a half ounce to each juror. Despite the extravagance of justice in California, many cases were brought before the alcaldes and the Judges of First Instance.

Among the many Americans appointed to the office of alcalde was Stephen J. Field, who was later to become Chief Justice of California and the first U. S. Supreme Court Justice from California. As alcalde of Yubaville (now Marysville), Field simply followed American patterns of justice. He stated:

> I knew nothing of Mexican law; did not pretend to know anything of it; but I knew that the people had elected me to act as a magistrate and looked to me for the preservation of order and settlement of disputes; I did my best that they should not be disappointed . . . In civil cases, I always called a jury, if the party desired one; in criminal cases, when the offense was of a high grade, I went through the form of calling a grand jury, and having an indictment found; and in all cases I appointed an attorney to represent the people, and also the accused . . .[100]

Field also confessed that the premium placed on quick justice at the time in California forced him to make immediate decisions in cases where there was some inconclusive evidence.[101] The fact that the alcalde's decisions were accepted prevented further conflict and contributed to the public welfare.

Among the American alcaldes there were several who were particularly noted at times for their sagacity and at other times for their peculiarities. Neither the court procedure nor the sentences meted out by the alcalde courts corresponded to anything found in either American or Mexican courts at the time. A well-known and respected alcalde was the Virginia cabinetmaker, William Blackburn, who had been appointed alcalde of the district of Santa Cruz. Blackburn became noted for the originality of his decisions, which were technically irregular, but were firmly based on common sense and, therefore, greatly appealing to the people. A case was brought before Blackburn involving a vaquero who had accidentally knocked down a pregnant woman while he was engaged in saving her life by intercepting a wild steer that was rushing at her. The fall and excitement caused her to lose her child. The husband of the woman thereupon brought suit against the vaquero for damages, and during the trial there was a great emphasis placed on the loss of the child. After hearing both sides, Alcalde Blackburn solemnly announced his decision and ordered that the vaquero should put the woman back in the same condition as he found her and that the costs of the trial be paid by the husband.[102]

Frank Bates, the alcalde at Sutter's Fort, or Sacramento, was notorious for his odd procedure and fines. A contemporary of Bates stated:

> Frank's penalty for any petty crime was usually a fine of six to twelve bottles of Byas's ale, according to the gravity of the offense and the necessities of the crowd in attendance. They were worth at the time half an ounce a piece, and six bottles of ale was equivalent to $48 or $50. The penalty was paid on the spot and the ale was brought in and drunk by the court and its friends. I have known him to impose this penalty a number of times.[103]

In another case, before Alcalde Almond, who was Judge of the First Instance, a judgment of two hundred dollars was entered for the plaintiff. The counsels for the plaintiff thereupon announced to Almond that they had charged two hundred dollars for fees, and therefore their client was gaining nothing from the judgment. The judge then called his clerk and told him to enter the judgment for three hundred dollars. The defense attorneys immediatley arose and attempted to argue the matter, but Judge Almond warned them that if they did he would raise the judgment to five hundred dollars.[104] These were peculiar decisions, but seemingly they were in keeping with the unnatural situation caused by the gold rush in California.

Alcalde rule in California answered the need for local justice and government both in sparsely populated California under the Spanish and Mexican governments, and in the frenzy of the gold rush during the American military government. When the state constitution was adopted and city government established in California, the alcalde had to yield his ancient authority and varied powers. The last alcalde of San Francisco, Alfred Geary, was elected mayor under the city's first charter on January 1, 1850.[105] Similarly, in other cities in California, former alcaldes were elected mayors of cities—Stephen Clark Foster, alcalde of Los Angeles, was elected mayor in 1854.[106] An institutional link, therefore, existed between the offices of alcalde and mayor in California, and yet this link has resulted in virtually no carry-over features of the alcalde in the office of mayor. Once the state government was formed, the alcalde with his multifarious duties was gone, and the Anglo-American principle of separation of powers was adopted throughout the state.

NOTES

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3. *Ibid.*, Libro V, Título III.

4. *Ibid.*

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6. *Ibid.* Título XIV, párrafo xviii.

7. *Regulation for Governing the Province of the Californias*, trans. John Everett Johnson (San Francisco, 1929), p. 50.

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11. *Mena* v. *Le Roy*, 1 Cal. Rep. 216; *Reynolds* v. *West*, 1 Cal. Rep. 322.

12. "Proclamation to the People of California," B. Riley, June 3, 1849, 31st Congress, 1st sess. House Ex. Doc. 17, pp. 776-780.

13. *Mena* v. *Le Roy*, 1 Cal. Rep. 488.

14. Halleck and Hartnell, *Translation and Digest of Mexican Laws*, p. 2.

15. *Recopilación de Leyes*, Libro V, Título III.

16. *Reglamento*, Título XIV, párrafo xviii.

17. Walter Colton, *Three Years in California* (New York, 1860), p. 19.

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22. Halleck and Hartnell, *Translation and Digest of Mexican Laws*, p. 9.

23. William S. McCollum, *California As I Saw It* (Buffalo, 1850), p. 43.

24. R. B. Mason to J. D. Stevenson, June 1, 1847, 31st Congress, 1st sess. House Ex. Doc. 17, p. 316.

25. *Ibid.*

26. San Francisco *California Star*, December 23, 1848.

27. Stephen J. Field, *Personal Reminiscences of Early Days in California* (Washington, D. C., 1893), p. 30.

28. Colton, *Three Years in California*, p. 55.

29. Halleck and Hartnell, *Translation and Digest of Mexican Laws,* pp. 15-16.

30. *Ibid.,* p. 15.

31. *Ibid.*

32. *Ibid.,* pp. 15-16.

33. *Mena* v. *Le Roy,* 1 Cal. Rep. 220.

34. *Reglamento,* Título XIV, párrafo xviii.

35. Halleck and Hartnell, *Translation and Digest of Mexican Laws,* pp. 15, 17.

36. *Ibid.*

37. *Reglamento,* Título XIV, párrafo xviii; Halleck and Hartnell, *Translation and Digest of Mexican Laws,* pp. 13-15.

38. *Ibid.*

39. *Recopilación de Leyes,* Libro V, Título XII, ley xvii.

40. Halleck and Hartnell, *Translation and Digest of Mexican Laws,* p. 15.

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94. Field, *Personal Reminiscences*, pp. 28-31.

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The Spreckelsville Plantation: A Chapter in Claus Spreckels' Hawaiian Career

By JACOB ADLER

CLAUS SPRECKELS (1828-1908), a California sugar refiner, hurried to Hawaii in 1876 on the same ship that brought favorable news of the Reciprocity Treaty with the United States. In effect, the treaty gave Hawaiian sugar planters a price increase of two cents a pound and thus set off an economic boom in the island kingdom. Spreckels had originally opposed the treaty; but after it passed, he quickly made up his mind to take advantage of it.

Through loans to Hawaiian King Kalakaua, and to the kingdom, Spreckels gained vast power in island politics and economics. He made and unmade cabinets, and no cabinet opposing him could stay in office for long. He also gained wide control over the Hawaiian sugar industry. His Spreckelsville plantation on Maui became the largest in the kingdom.

On his first trip to the islands Spreckels examined the land and water resources of the Island of Maui. He decided that the arid central plains would be suitable for a sugar plantation if he could get water. Two years later he returned to Hawaii accompanied by a well-known California irrigation engineer, Hermann Schussler.

Spreckels felt that he had to have certain government water rights on

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Maui if he was to become a sugar planter. The Hawaiian cabinet, however, hesitated to grant these rights. By means of a loan of $40,000 and a "gift" of $10,000, Spreckels thereupon persuaded King Kalakaua, on the night of July 1, 1878, to turn his cabinet "out of bed and out of office." A new cabinet gave Spreckels the water rights, and he then proceeded to build the largest irrigation ditch that had ever been undertaken in the islands. The ditch, forty miles long and costing over $500,000, made possible the Spreckelsville plantation.

This paper deals with the Spreckelsville plantation as a successful venture in agricultural and industrial capitalism, and with the Hawaiian Commercial and Sugar Company (which controlled the plantation) as a somewhat less successful venture in financial capitalism.

An Agricultural and Industrial Venture

Spreckels began to acquire land for the plantation in the middle of 1878. On June 20 of that year he paid Henry Cornwell $20,000 for an undivided half interest in the Waikapu Commons of central Maui.[1] The area of this land was around 16,000 acres. About the same time he leased from the government, for thirty years at $1,000 a year, the adjacent Wailuku Commons with an area of about 24,000 acres.[2]

These investments received favorable notice. With them, said the *Pacific Commercial Advertiser*, Spreckels was demonstrating his own confidence in the economy of Hawaii. He was also helping to allay the fears of others about the islands' future prosperity.[3] The *Hawaiian Gazette* expressed wonder that there were not more enterprisers like Spreckels who were willing to invest in sugar. Indeed, sugar was "king in commerce in these islands." There was "plenty of room for investment of untold millions," and investors could double their money. All that was needed was "courage and pluck," the rest was assured.[4]

As a vehicle for carrying out his plans, Spreckels incorporated the Hawaiian Commercial Company in San Francisco on September 30, 1878. The authorized capital stock was $10,000,000, represented by 1,000 shares having a par value of $10,000 each. Claus Spreckels was the majority stockholder. At par, his holdings amounted to $5,200,000.

The purposes of the company as set forth in the charter were to: build and maintain ditches for irrigation of lands in the Hawaiian kingdom; cultivate, mill, and sell sugar; build mills, railroads, wharves, and other necessary structures; acquire lands, leases, and water rights; and build or buy ships to ply between the Hawaiian Islands and other ports.[5]

Of the Hawaiian Commercial Company, the *Gazette* said: "With an aggregation of brains, business enterprise and capital, this new company will infuse new life and health into the great sugar industries of Hawaii. . . . It is more than probable that the Island production can be increased six-fold."[6] The *Advertiser* noted with respect to Spreckels' plans for a plantation, including railways for cane hauling: "This enterprise has stirred up the planters everywhere remote from the port, and many are contemplating a regular system of railway in the islands."[7]

After the incorporation of the Hawaiian Commercial Company, Spreckels moved swiftly to make his plantation the most modern and the most productive in the kingdom. With the completion of the Spreckels and Waihee ditches, he solved the major problem of irrigation. In 1879, 500 acres were planted to cane, yielding a crop the next year of about 3,000 tons.[8] In 1880 Spreckels engaged Joseph and Andrew Moore of the Risdon Iron Works, San Francisco, to build a mill with a capacity of about twenty tons a day. Construction of three more mills got underway the next year, with improved design based on experience with the first mill. These mills were completed by 1882, and capacity was thus increased to about 100 tons a day.[9] The crop for that year was estimated at 12,000 tons,[10] a four-fold rise over the yield for 1880.

As the physical development of the plantation was thus rapidly going forward, a change took place in the organization of the controlling company. The Hawaiian Commercial and Sugar Company was incorporated (1882) in San Francisco to take over the assets of the Hawaiian Commercial Company. Capital stock of the new company consisted of 100,000 shares of $100 par value. Purposes of the company as stated in the charter were much the same as those of Hawaiian Commercial.[11] The reasons for replacement of Hawaiian Commercial by Hawaiian Commercial and Sugar Company are somewhat obscure, but may have been related to a desire of the Spreckels interests to sell stock to the public. It will be recalled that the par value of the old company's stock was $10,000 a share, whereas that of the new company, as already indicated, was $100.

The incorporation of Hawaiian Commercial and Sugar Company, though only a change of form, called forth approving comment in the newspapers of Hawaii. The *Advertiser* noted: "The company means business. . . . A vast improvement will be noticeable in the commerce of this kingdom, and ere long, these islands so little known beyond the Coast states will be distributing their staple products all over the American continent."[12] The same newspaper also reported that the estimated yield of 12,000 tons at Spreckelsville was equal to the entire output of the Hawaiian Islands before the Reciprocity Treaty of 1876. "When we consider that this magnificent yield . . . is obtained from what had been regarded as a profitless desert plain before [Spreckels'] purchase, all must regard his liberal outlay of capital as a most beneficent enterprise for the Kingdom."[13]

In the year of incorporation of Hawaiian Commercial and Sugar Company, 1882, the *Gazette* further described the plantation as follows:

> Claus Spreckels has certainly made out of what was once considered worthless land a waving plain of cane. One must ride through these acres and acres of cane to fairly understand how great the enterprise is: one must compare the sweep of bright green crops at the base of Haleakala with the few patches upon the lowlands of west Maui, to fully realize how much more has been done, how much more is still doing. If this is gathering wealth to the owners and projectors, it is also scattering money among the Hawaiian people. We learned that during the construction of the mills the payroll of the plantation rose as high as $39,000 per month; at present [1882] it is about $20,000 per month. A large portion of this must find its way into the pockets of the Maui people, native and foreign, another portion must come to Honolulu.[14]

It is clear, then, that the economic significance of Spreckelsville was amply noted. The activity there contributed to the development of the port of Kahului and of the whole island of Maui. As the largest producer of sugar, Spreckels was the best customer of Captain Hobron's railroad, incorporated in 1881 as the Kahului Railroad Company.[15] Spreckels' intra-plantation railroad, described later in this paper, connected up directly with the branch of the Kahului railroad which ran between Spreckelsville and Kahului.

Kahului had in 1878 become a port of entry. Within five years it was the second port of the kingdom: its exports and imports were exceeded only by those of Honolulu.[16] At Kahului Spreckels had his own landings and storehouses.[17] Here the packet ships of the Spreckels line made frequent visits. Kahului was also the center of a telephone system which included Paia, Wailuku, Spreckelsville, and other plantations.[18] Railroading, shipping, telephones—these reflected the prosperity of the port of Kahului, and in turn hastened its further development. There can be little doubt that Spreckels' activity was largely responsible for this development.

Spreckels also had a large store at Kahului, with a branch at Spreckelsville. In size, and in variety and amount of goods carried, the store was not exceeded by any in the much larger city of Honolulu. At the Spreckels store one could buy anything "from the traditional needle to an anchor or silver service," "from a two-penny nail to a silk dress," "from a tin tack to a Waltham watch." Even truffles were obtainable there.[19] Among the goods carried were dry goods, clothing, hardware, luggage, saddlery, agricultural implements, groceries, and books. There were two gunpowder warehouses, an oil storage house, and bulk warehouses for flour, feed, lime, cement, and salt.[20] As of 1884 it was the "largest and one of the best appointed stores in the islands," doing a business of about $50,000 a month.[21]

Another stimulus to economic development was provided by Spreckels' invitation to small planters to cultivate sugar on shares on his land. He offered to lend money for this purpose at 7 per cent a year, whereas the going rate had been 9 to 12 per cent a year compounded quarterly. The *Gazette* congratulated Spreckels on his enterprise and expressed the hope that his offer would help to reduce interest rates throughout the islands. Lower rates, said the editor, would help to stimulate new enterprises.[22]

Not only did the Spreckelsville plantation spur the economic progress of the port of Kahului and the Island of Maui: in the sugar-based economy of the islands the largest plantation was obviously important in the development of the entire kingdom. Comments from time to time on Spreckelsville were full of superlatives.[23] In 1892 the plantation was called "the largest sugar estate in the world."[24] It contained 40,000 acres, of which 25,000 were good cane land. Twelve thousand acres were under cultivation. The fields extended for fifteen miles and were several miles wide. The mills had a capacity of 30,000 tons a year, and were "fitted with the most perfect machinery and appliances which the ingenuity of man has yet devised."[25]

Apart from its size and productivity, the Spreckelsville plantation formed an important part of the pattern that Spreckels created for the Hawaiian sugar industry. He was the first island planter to achieve nearly complete control of sugar from growing to marketing. In this he set the pattern which the Hawaiian sugar industry follows to this day.

The plantation, with its vast fields of cane irrigated by the Spreckels ditch, was the first link in the chain of vertical integration. The second link was the Honolulu firm of William G. Irwin and Company (Spreckels and Irwin), which acted as agent for the Spreckelsville plantation and also for others. In the 1880's and 1890's it was one of the leading sugar agencies of the kingdom.[26] The Irwin company also acted as agent for the Spreckels Oceanic Steamship Line, which during the last two decades of the nineteenth century dominated the transport of Hawaiian sugar. Oceanic thus formed the third link in the chain of control. The last link was the Spreckels refinery in San Francisco, where most island sugar was refined.

Besides setting the pattern for vertical integration, Spreckels made many pioneering contributions to Hawaiian sugar technology. At Spreckelsville, he was the first to use a five-roller mill; first to use electric lights in his mill; first to use railroad cane hauling; and first to use a steam plow. He developed a system of controlled irrigation which reduced the amount of labor needed. One man could irrigate up to thirty acres a day, whereas with previous systems one or two acres was a good day's work for one man.[27] In 1884 the Spreckelsville plantation also became the first in the islands to hire a soil chemist.[28]

One of the outstanding innovations at Spreckelsville, in 1881, was the five-roller mill in place of the usual three-roller mill of the time. Use of additional rollers increased the percentage of juice extraction from the cane. In addition to greater juice extraction and better drying of the bagasse (which could then be used for fuel), advantages claimed for the five-roller mill were that a greater quantity of cane could be put through in a given time than with a three-roller mill and that irregularity of feed did not result in imperfect grinding.[29]

Spreckels' sugar mills were the first in the Hawaiian Islands to be lighted by electricity. In fact, the use of such lights there in 1881 preceded the lighting of Iolani Palace in Honolulu by five years.[30] Electric lights permitted the mills to operate night and day, and thereby avoided the expense of shut-down during the height of the grinding season.

The lighting was tried for the first time at mill number one on September 22, 1881. To satisfy the curiosity of persons anxious to see the "concentrated daylight," Captain Hobron of the Kahului railroad ran a special train. "After an hour spent in examining the engine room and mill by the aid of the powerful lights, the party started homeward, much pleased with what they had seen."[31]

At various times King Kalakaua, dowager Queen Emma, and Princess Ruth Keelikolani inspected the mills, and were intrigued with the marvel of the new lights. Their visits with their retinue were occasions of festivity. Queen Emma herself has thus described one of these visits:

> Last night Mr. J. D. Spreckels [son of Claus Spreckels] called & invited me to go & see the electric light which they use at the mill, so this evening we started by train with a party of nearly 600 people for Puunene where his mill stands. Everything is carried on on the most extensive scale, and the newest inventions are used of machinery, etc. Mr. Spreckels showed us the electric machines where electricity is made & conducted through wires, to every part of the mill. You have seen the light no doubt, so can fancy how like unto day was the entire interior & exterior of [the] building.[32]

The Spreckelsville plantation was the first (1881) to use railroads for large-scale hauling of cane. An ingenious system of permanent and portable track connected up with the branch of Captain Hobron's railroad running to the port of Kahului. At Spreckelsville, rails radiated in all directions from the mill buildings and also connected them with each other. By means of rails on the floors, a travelling crane could move machinery to any part of the mills.[33] Thus Spreckels found a solution for intra-plantation cane hauling, inter-mill and intra-mill transport, and for getting sugar directly to the wharf at Kahului.[34]

Many other plantations gradually adopted the method of hauling cane by rail. The method persisted in the islands until recent times, but even in the 1920's when this mode of hauling was dominant, trucks and trailers began to make their appearance. These are now the chief means of hauling cane.[35]

The Spreckelsville plantation, in 1880, was the first in the Hawaiian Islands to make use of the steam plow. "It is a new motive power for this country," said the *Gazette*, "and its use will be watched with great interest. . . . It is not unlikely that other places will follow the energetic and progressive example of Maui."[36]

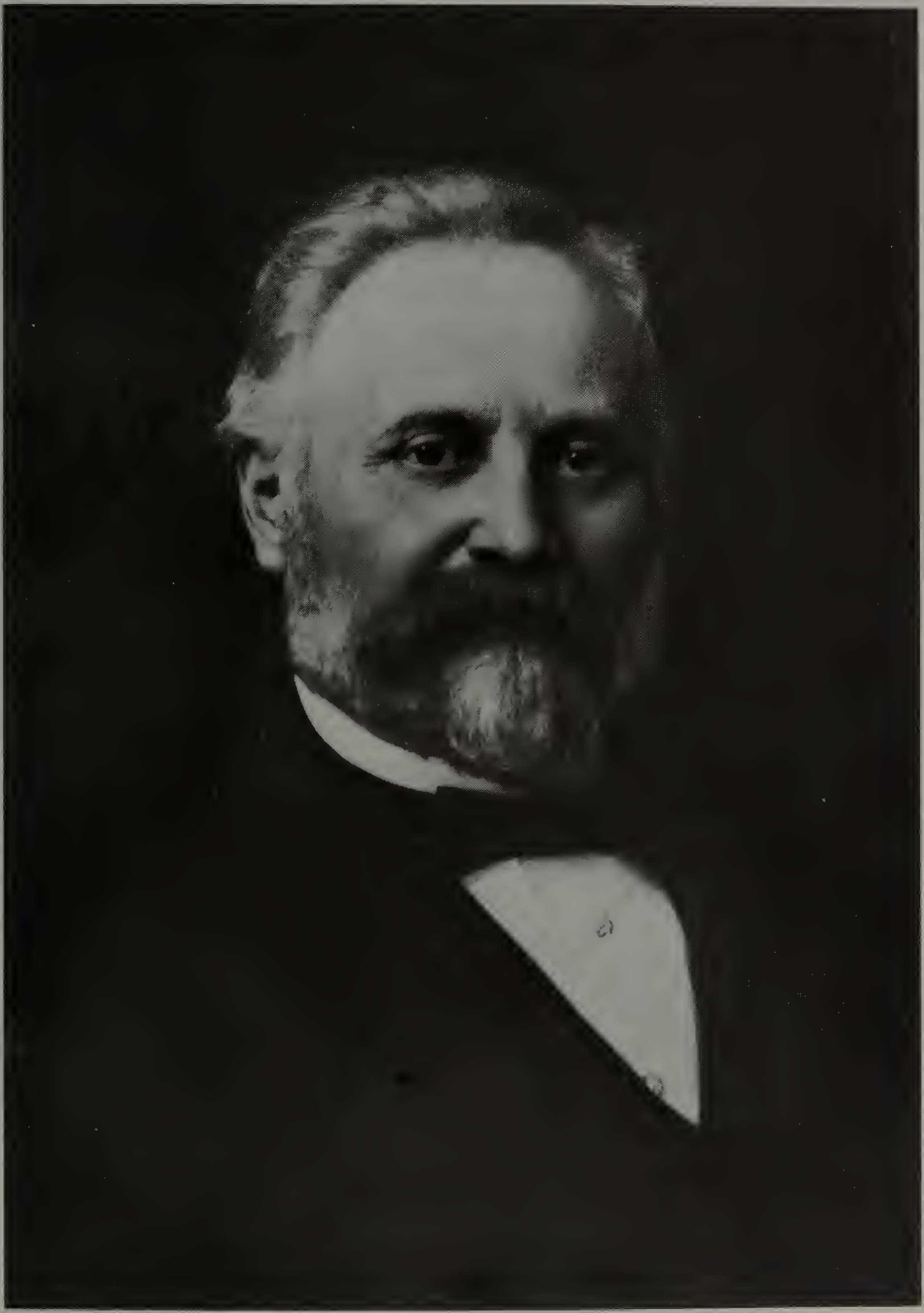
Among the advantages of the plow were that a greater area could be plowed per day than with oxen or mule teams; more effective plowing increased the sugar yield per acre; and there was a saving of man power. One disadvantage of the plow was that it was not suited to stony soil, where there was the added cost of removing rocks and stones. Further, the plow was suited only to land which was mostly level, but much of the Spreckelsville plantation was level or gently rolling.

After the value of these "huge puffing monsters" had been proved at Spreckelsville, their use spread gradually to other plantations. Steam plows were still used in the islands into the late 1920's.[37]

The technological improvements discussed above are only a few of the many that might be discussed to show that the Spreckelsville plantation was truly a pioneering venture. In the development of the plantation, the vision, drive, and optimism of Claus Spreckels himself are everywhere evident. When in 1879 the population of the Hawaiian kingdom was only about 60,000, Spreckels said that the islands were wonderfully productive of sugar and could support a million people.[38] No doubt this estimate was regarded as farfetched. Today the population of the islands is over half a million, and sugar is still the most important agricultural crop. Spreckels' dream of a population of one million is, therefore, over 50 per cent toward realization.

In 1881 he envisioned a 40,000 ton crop at Spreckelsville within four years, that is, 1885.[39] This was not reached until 1906, two years before Spreckels' death, when the crop was about 44,000 tons.[40] Ironically, the plantation was then no longer under his control.

Spreckels attempted, in 1890, to enlarge the plantation, already the largest in the islands, by consolidating with Wailuku, Paia, and Haiku plantations. The consolidation failed because at the time the Hawaiian Commercial and Sugar Company was heavily in debt, and the debt was unattractive to the other plantations.[41] But over fifty years later the consolidation was achieved. Hence Spreckels envisioned the plantation



Portrait of Claus Spreckels, *by Toby Rosenthal, 1873*

A gift to the Society from Lurline Spreckels Kuznik, Paris, France

at pretty much its present size, 55,000 acres, long before that size was reached.[42]

Between 1878 and 1893 Spreckels visited the plantation once or twice a year to make inspections, stir things up, and make new plans. In reporting one such visit in 1880, the *Gazette* said: "He usually makes things hum wherever he goes."[43] Of another visit in 1892, a year of depression in Hawaii, the *Bulletin* said: "He looks as hale, hearty, young and active as of yore, and does not seem to share the general gloomy view of things indulged in by most of the planters at the present time."[44] Spreckels was then 64 years old.

His last trip to Spreckelsville was in August, 1893, when he was making plans for an electric power plant to operate pumping stations.[45] This would enable him to increase the water supply and hence the acreage in cane. He was making these plans despite the existing depression in the islands and despite recent political defeats he had suffered in Honolulu. The project for increasing the water supply was not, however, to be carried out by him. Several months later, in January, 1894, he lost control of Hawaiian Commercial and Sugar Company to his sons, as described below.

A FINANCIAL VENTURE

Up to now, we have been mainly concerned with the Spreckelsville plantation as an outstanding venture in agricultural and industrial capitalism. As a venture in financial capitalism, the controlling corporation, Hawaiian Commercial and Sugar Company, presents a less glorious picture. Between 1882 and 1896 the stock of the company had a somewhat "checkered career" on the San Francisco market.[46] The *Hawaiian Star* said in 1898 that the company had furnished more sensations in that market than any other company.[47]

Upon public issue in 1882, the stock sold around $60.[48] By the fall of 1884 the company was deep in debt, and the price was down to *25 cents.*[49] A personal loan by Spreckels of $1,000,000 and authorization by the directors of a bond issue moved the price up again. Good crop reports in 1885 reinforced this upward movement. By September of that year the price was around 10 dollars.[50]

The San Francisco *Chronicle* charged in numerous articles that the Spreckels interests were manipulating the stock. Following one such article in November, 1884, Adolph B. Spreckels, son of Claus Spreckels, shot the owner of the newspaper, M. H. deYoung.[51] The wound was not fatal. The son was tried on a charge of assault with intent to kill. At the trial Claus Spreckels gave much testimony about the affairs of the Hawaiian Commercial and Sugar Company, because one of the issues was the truth of the articles published by the *Chronicle*. This had a bearing on whether there was provocation for the assault. Claus Spreckels swore that there was no truth in the articles: neither he nor any member of his family had ever manipulated the company's stock.[52]

One of the few humorous incidents of the trial, in which A. B. Spreckels was acquitted, merits mention because it throws some light on Claus Spreckels' attitude toward Hawaiian affairs. He was testifying about certain deeds of trust which he had signed in 1882, turning over to Hawaiian Commercial and Sugar Company his plantation land holdings.

He was asked: "A foreign corporation cannot hold land there?"

He answered: "They could not hold real estate then, but a law has been passed in the Hawaiian Islands that a corporation [can] hold land. I had the law passed myself."[53]

From a low of 25 cents in 1884, the stock of the company gradually rose until it was about 34 dollars in March, 1889.[54] Then it began to fall because of tariff bills in the United States Senate which resulted in the McKinley tariff of 1890. One effect of the law was to wipe out the benefit to Hawaiian sugar producers under the Reciprocity Treaty. Hawaiian Commercial and Sugar Company was now again in financial difficulties.

In 1893, with the stock practically worthless, Claus Spreckels as chief bondholder tried to foreclose. His own sons, C. A. and Rudolph Spreckels, thwarted this attempt. They succeeded in getting control of the company. As the stock rose after the end of the McKinley tariff in 1894, the price was driven up further in 1898 when a Hawaiian syndicate moved to get control. These events are further considered below.

Turning back now to the depression year of 1884, in that year the Hawaiian Commercial and Sugar Company, as already mentioned, began to get heavily into debt. To raise funds for the firm, Spreckels endorsed a note of $1,000,000 to the Nevada National Bank of San

Francisco. He requested security, and there was some talk of a special assessment on all stock of the company. Instead, the directors at a meeting in November, 1884, authorized a ten-year bond issue of $1,100,000 at 7 per cent. Spreckels, not a director at this time, was asked to give his views.

"I am willing that the stockholders should take as many of these bonds as they wish," Spreckels said. "If they do not want to, I will take the whole of them." This statement was applauded.[55]

On the strength of the loan by Spreckels and the proposed bond issue, the stock rose in December, 1884, to $8 a share.[56] Spreckels took the entire issue of bonds, dated April 1, 1885, to mature April 1, 1895. A. Lilienthal and Meyer Ehrman of San Francisco managed the issue, and they also acted as trustees. Security for the bonds was all the property, real and personal, of the Hawaiian Commercial and Sugar Company.[57]

During another depression several years later, the company again found itself in financial trouble. Under California law the directors levied a stock assessment of $5 a share, unpaid assessments to be delinquent January 24, 1893. Minority stockholders charged this was part of a move by Spreckels as chief bondholder to take over the company. At this time he held $700,000 of $900,000 in bonds still outstanding.

The assessment was paid on only 2,450 shares of stock out of a total of 100,000 shares; the remaining 97,550 shares were declared in default. These shares the company itself bought up at public auction for practically nothing. Included in the 2,450 shares which did not default were enough held by the Spreckels interests for them to keep control. Other stockholders threatened legal action, but nothing came of that.[58]

Several months later his own son, C. A. (Gus) Spreckels, attacked Claus Spreckels' control of Hawaiian Commercial and Sugar Company. Gus filed a suit for $2,500,000. The suit named Claus, his sons John D. and Adolph B. Spreckels, and the company itself. Rudolph J. Spreckels, another son, sided with Gus against father Claus.

Immediate cause of the suit was a threat by Claus Spreckels to foreclose on his bonds after failure of the company to pay interest on October 1, 1893. Gus Spreckels charged that the original issue of the bonds in 1885 had been illegal because the stockholders had not approved, the secretary of the company had not signed the bonds, and they had not been recorded in the office of the county clerk.[59] He also charged that Claus Spreckels had caused the sugar agency of William G. Irwin and Company (Spreckels and Irwin) to withhold $38,000 due Hawaiian Commercial and Sugar Company, and had caused the latter company to keep $500,000 worth of sugar off the market, to make the company seem poorer than it was.[60]

Gus Spreckels also stated that 990 of the 2,450 shares of stock which had survived the assessment belonged to him, though only forty were in his name. He claimed that 700 of the shares belonging to him were in the name of Claus Spreckels and 250 in the name of H. L. Dodge, president of the company. Gus's suit asked transfer of these shares to his name, an injunction to avoid foreclosure by the bondholders, and punitive damages of $2,500,000.[61]

An out-of-court settlement of the suit in January, 1894, gave Gus Spreckels control of Hawaiian Commercial and Sugar Company. His brother Rudolph became a director. Claus Spreckels and his other sons, John and Adolph, were ousted. Hackfeld and Company replaced Irwin and Company as Hawaiian agent for the Spreckelsville plantation.[62] Control of the Hawaiian Commercial and Sugar Company and of the Spreckelsville plantation thus slipped from the hands of the elder Spreckels. If Gus was inclined to gloat at all in the victory over his father, he did not gloat for long. Soon Gus and Rudolph found themselves fighting a Hawaiian syndicate for control of the company.

Whatever the gyrations of Hawaiian Commercial and Sugar stock in the San Francisco stock market, the Hawaiian planters well knew the underlying worth of the Spreckelsville plantation. The planters therefore determined to seek control of the stock. In 1898 J. B. Castle, descendant of a missionary family in Hawaii, quietly made an agreement with Edward Pollitz, a San Francisco broker. Under the agreement, Pollitz was to deliver 51,000 shares of the stock for $1,900,000. This came to slightly more than $37 a share. Castle was to pay $500,000 on delivery, $700,000 in January, 1900, and the balance of $700,000 in January, 1901.[63]

Pollitz notified Castle in September, 1898, that he was ready to deliver. To pay for the stock, Castle sought the help of the Alexander and Baldwin sugar agency, a Honolulu partnership. The firm agreed to advance $225,000 and to give Castle a one-fourth interest in the partnership. H. P. Baldwin was to become president of Hawaiian Commercial and Sugar Company. The Alexander and Baldwin firm was to be made agent for the Spreckelsville plantation. The 51,000 shares were to be pooled as follows: James B. Castle, 15,000; S. N. Castle estate, 15,000; William R. Castle, 6,000; Henry P. Baldwin, 8,000, and Samuel T. Alexander, 7,000.[64]

By October, 1898, Pollitz and his associates held 67,310 shares of stock, including 51,000 shares on behalf of J. B. Castle. Pollitz had paid an average price of about $26 a share, or a total of around $1,750,000. His gross profit on the 51,000 shares to be delivered to Castle was about $11 a share, or over $500,000.[65] Most of the stock had been sold by Gus and Rudolph Spreckels and their associates, and their profit was huge because they had picked up the stock early in 1894 when it was practically worthless. It appears that they hoped to buy back the shares at a low figure. They put out a circular, bearish in tone, calling for an issue of more stock to be considered at the regular annual meeting on October 13, 1898.[66]

But the Spreckels brothers were too late. Under the by-laws of the company, Pollitz and associates called a special meeting of the stockholders on October 1 and ousted all the old directors including Gus and Rudolph Spreckels.[67] Pollitz replaced Gus Spreckels temporarily as president and general manager, until the stockholders' meeting of October 13, when J. B. Castle and his associates took over. W. J. Lowrie, former manager of Ewa plantation on Oahu, was appointed manager of the Spreckelsville plantation in place of George Boote. The firm of Alexander and Baldwin became Honolulu agent for the plantation in place of Hackfeld and Company.[68]

At the time of these events Claus Spreckels was 70 years old. In his declining years, then, he saw the magnificent plantation which he had founded slip not only from his grasp but from that of his family.

Twenty-eight years later, in December, 1926, the Hawaiian Commercial and Sugar Company was dissolved in California and incorporated in Hawaii.[69] Mainly under the leadership of H. P. Baldwin and his son, F. F. Baldwin, great changes have taken place in what was once the Spreckelsville plantation.[70] It is still the largest and most productive in the islands. This sugar estate was originally the dream and the vision of Claus Spreckels. It endures as the most important monument to his Hawaiian career.

NOTES

1. *Pacific Commercial Advertiser*, June 22, 1878.

2. In 1882 Spreckels got title in fee to the Wailuku Commons. He had bought for $10,000 the doubtful claim of Princess Ruth Keelikolani to half the crown lands of the kingdom. The legislature ceded the Wailuku Commons to Spreckels as a "compromise" settlement of this claim. See Hawaii, *Session Laws*, 1882, p. 11.

3. *Pacific Commercial Advertiser*, June 22, 1878.

4. *Hawaiian Gazette*, June 26, 1878.

5. For certified copy of charter see File HCS, Foreign 13, Office of the State Treasurer, Honolulu.

6. *Hawaiian Gazette*, October 30, 1878. The six-fold increase of production was realized in eleven years. *Story of Sugar in Hawaii* (Honolulu, 1926), p. 94.

7. *Pacific Commercial Advertiser*, October 26, 1878.

8. *Directory of Hawaiian Kingdom, 1880-1881* (San Francisco, 1881), p. 431.

9. *Hawaiian Gazette*, April 12, 1882.

10. *Pacific Commercial Advertiser*, April 22, 1882.

11. Arthur L. Dean, *Alexander & Baldwin, Ltd.* (Honolulu, 1950), p. 64.

12. *Pacific Commercial Advertiser*, April 22, 1882.

13. *Ibid.*

14. *Hawaiian Gazette*, August 23, 1882.

15. Honolulu *Star-Bulletin*, October 26, 1935.

16. *Hawaiian Gazette*, September 5, 1883.

17. *Directory of the Hawaiian Kingdom, 1880-1881*, p. 431.

18. *Pacific Coast Commercial Record*, May 1892, p. 21.

19. *Pacific Commercial Advertiser*, August 25, 1883; *Hawaiian Gazette*, May 17, October 4, 1882; August 29, 1883.

20. *Hawaiian Directory and Handbook* (San Francisco, 1888), p. 487.

21. *Hawaiian Directory and Handbook* (San Francisco, 1884), p. 319.

22. *Hawaiian Gazette*, November 13, 1878.

23. See, for example, *Directory of the Hawaiian Kingdom, 1880-1881*, p. 319; *Hawaiian Gazette*, November 9, 1881, September 9, 1885.

24. *Pacific Coast Commercial Record*, May 1892, p. 20.

25. *Ibid.*

26. W. D. Alexander, *History of Later Years of the Hawaiian Monarchy* (Honolulu, 1896), p. 248.

27. *Pacific Commercial Advertiser,* December 6, 1879; *Directory of the Hawaiian Kingdom, 1880-1881,* p. 508.

28. *Pacific Commercial Advertiser,* October 21, 1884.

29. *Pacific Commercial Advertiser,* December 17, 1881, March 25, 1882; Honolulu *Advertiser,* December 6, 1924.

30. On the use of electric lights at the palace, see *Hawaiian Gazette,* November 16, 1886.

31. *Saturday Press,* October 1, 1881.

32. Queen Emma to Mrs. Pierre Jones, November 17, 1881. "Queen Emma Collection," Archives of Hawaii.

33. *Hawaiian Gazette,* August 23, 1882.

34. *Hawaiian Gazette,* March 16, September 14, 1881. From the Kahului wharf Spreckels' ships carried the raw sugar to his refinery at San Francisco. Many other Maui planters had to transship their milled sugar by way of Honolulu at added cost.

35. *Hawaii's Sugar News,* VII (August 1957), 3.

36. *Hawaiian Gazette,* April 28, September 6, 1882; *Bulletin,* August 22, September 6, 1882.

37. *Hawaii's Sugar News,* VII (August 1957), 3.

38. *Pacific Commercial Advertiser,* December 6, 1879.

39. *Directory of the Hawaiian Kingdom, 1880-1881,* p. 431.

40. Thrum's *Hawaiian Annual,* 1909, p. 186.

41. *Bulletin,* July 15, 1890; Honolulu *Star-Bulletin,* April 12, 1920; Dean, *Alexander & Baldwin,* p. 30.

42. Hawaiian Commercial and Sugar Company is the seventh largest private landholder in the Hawaiian Islands. *Major Landholdings in Hawaii,* EPCA Staff Report No. 14 (Honolulu, February 1957), p. 19.

43. *Hawaiian Gazette,* September 22, 1880.

44. *Bulletin,* August 2, 1892.

45. *Hawaiian Star,* August 3, 1893.

46. Dean, *Alexander & Baldwin,* p. 64.

47. *Hawaiian Star,* October 12, 1898.

48. *Pacific Commercial Advertiser,* September 23, 1882.

49. *Bulletin,* November 24, 1884.

50. *Pacific Commercial Advertiser,* September 9, 1885.

51. *Bulletin,* December 2, 1884.

52. *Pacific Commercial Advertiser,* June 15, 1885.

53. *Pacific Commercial Advertiser,* June 23, 1885.

54. *Pacific Commercial Advertiser,* March 9, 1889.

55. *Bulletin,* December 8, 1884.

56. *Pacific Commercial Advertiser,* December 9, 1884.

57. *Hawaiian Gazette,* September 2, 1885.

58. *Hawaiian Gazette,* January 31, February 14, 1893; Dean, *Alexander & Baldwin,* p. 64.

59. *Hawaiian Gazette,* December 2, 1893.

60. *Hawaiian Gazette,* December 12, 1893.

61. *Hawaiian Gazette,* January 23, 1894.

62. *Ibid.*

63. Dean, *Alexander & Baldwin,* p. 65.

64. *Ibid.,* p. 66.

65. *Hawaiian Star,* October 12, 15, 1898.

66. *Pacific Commercial Advertiser,* October 13, 15, 1898.

67. *Bulletin,* October 12, 1898.

68. *Bulletin,* October 24, 1898; *Hawaiian Star,* October 25, 1898.

69. For copy of charter see file HC & S, Office of State Treasurer, Honolulu, Hawaii.

70. For information on Hawaiian Commercial and Sugar Company in recent years see annual report of the firm for the year 1957, 75th anniversary of its founding. The report also contains a sketch of the company's history.

A California Gold Rush Padre:

New Light on the "Padre of Paradise Flat"

Edited by John B. McGloin, S.J.

On Wednesday morning, July 29, 1868, the *Marysville Daily Appeal* carried the following death notice:

> Yesterday morning between 3 and 4 o'clock, Rev. Father Martin Francis Schwenninger (better known as Father Florian) aged 60 years and 5 months... Attention, St. Joseph's Society.—You are requested to assemble in your hall in the basement of the Catholic Church this evening at 7 o'clock to attend the funeral of our late brother the Rev. Father Florein [sic] whose remains will be conveyed from the Catholic Church to the cemetery at 5 o'clock.

This simple notice chronicled the passing of a truly remarkable Benedictine monk and missionary of the Gold Rush days in California. While his general story has been told by Henry Walsh, S.J.,[1] a careful reading of this author indicates that he fails to mention certain pivotal details which are quite essential to an understanding of the man who became known as the "Padre of Paradise Flat." For example, to what group of Benedictines did Father Florian belong and what, really, were the reasons why a monk vowed to stability—i.e., to remain in the monastery of his profession—made his way to far off California?

Martin Francis Schwenninger was born in Innsbruck, Austria, on January 30, 1809, the son of Andreas Schwenninger, who served as a bailiff, first at Schwas in the Tyrol, and later at Innsbruck itself. His mother was Maria Rosa Duxneuner. His early education was obtained

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in Innsbruck where in 1825 he attended the gymnasium and in 1827-1828 was a student of philosophy at the university. Feeling the urge to devote himself to the monastic life and to priestly studies, he entered the Benedictine Order at the monastery of Fiecht, about twenty-five miles outside Innsbruck. Records preserved there flesh out many salient details in the pre-California years of the future Father Florian.

On the feast day of Our Lady of Mercy, September 24, 1828, the young Tyrolese received the habit of his Order in the abbot's chapel at Fiecht and was given the religious name of Brother Florian. Three years later, on September 25, 1831, he made his solemn profession of vows as a Benedictine and received the minor orders of the priesthood. He was then sent to Brixen in South Tyrol for further theological studies and, on July 29, 1832, he was ordained to the priesthood by Bishop Galura in the seminary church at Brixen. Father Florian offered his first Mass in the Jesuit Church of the Holy Trinity in Innsbruck. For the next twelve years he was engaged in various positions in his monastic establishment, and he finally held the responsible position of novice master. He seems to have desired for some time to give himself to the missionary vocation which, with proper approval of superiors, is completely consonant with the Benedictine tradition. In an interesting diary preserved at Fiecht, Father Florian gives a detailed account of the background of this special call and indicates with complete frankness that not all of the monks were in sympathy with his desires in this respect. However, in 1844, he left Fiecht for far-off America with the approval of the monks and the blessing of his abbot. This interesting diary has in German on its title page: "Recollections of Fr. Florian, O.S.B., given to the brethren of the monastery of Fiecht in the Tyrol, Austria. The first part written at Marysville, the second part at Yreka, California. I ask that the Recollections be not misunderstood: they can harm my reputation (!) but not that of other men. I write these impressions as I see them. Parce Nobis, Domine! P. Florian, Yreka, 15 August, 1857." Unfortunately, this document preserved at Fiecht ends before the California years. Diligent search on the part of monastic officials makes it certain that the remainder of the diary never reached the monastery. Similar efforts here in California by the present writer and others interested have failed to reveal the whereabouts of the second part of the diary (perhaps it perished in transit to Austria, which could easily have happened in earlier days), but it is known from another note of Father Florian that he did, in fact, write such an account. It is gratifying that we have some letters of Father Florian also sent to and preserved at Fiecht. Before taking a closer look at some of these very informative letters, it may be well to quote a newspaper clipping which Father Florian included in a letter written to his abbot from the "North Fork of Salmon River, Klamath Co., California, January 29, 1859." It must have been with a legitimate sense of gratification that the monk sent this clipping home in the light of the earlier opposition he had experienced there concerning his missionary call to America. The clipping is undated, and there is no indication of the paper in which it appeared. It reads as follows:

> Father Florian is building a Catholic Church on Salmon River, working with his own hands. He is a remarkable man, a German Benedictine monk, most thoroughly instructed in ancient and modern languages, music and other accomplishments of the German schools. He is also a music composer of great excellence and, above all, he is a good, kind-hearted faithful man of God, who is content to live in waste places for the advancement of what he believes to be the "Holy Church." We hope other newspapers will repeat this, that prelates, priests and people of the Catholic Church may not forget the zealous old man whose life is one long sacrafice [sic] for the religion he professes. Every timber shaped by his feeble hands in the solitude of the mountains is a work as worthy of consecration as a cornerstone in the church of St. Peter.

Before coming to California, Father Florian served several years as a missionary to various groups of German immigrants in New York state. Several of his letters to Fiecht are dated from Utica, New York, and they give an adequate account of his apostolate there as well as in Syracuse and, later, in Patterson, New Jersey. In still another letter which he dates "Sept. 20, 1853, Shasta in California, North America," Father Florian tells of the circumstances which, in 1852, brought him to California:

> In the summer of 1851, dropsy set in[2] and doctors advised a complete change from my loved work. On July 1, I set out on a journey. I travelled in all directions throughout the beautiful and prosperous country of Pennsylvania, visited several large cities such as Philadelphia, Baltimore, Pittsburg, Cleveland, Detroit, etc. I likewise visited the Benedictines and remained with them 14 days. On returning to New York the Right Reverend Archbishop appointed me as assistant priest

in Patterson, New Jersey, where I recovered my health completely. Thus the 7th day of June 1852 arrived. On that day I received an unexpected letter addressed to me in an unknown hand. Nevertheless, the seal indicated that the letter came from a Bishop. Since I was unaware that any Bishop had occasion to write to me, I put the letter into my bag. After long reflection, I began to pray, whereupon it occurred to me that I should see in the contents of this letter the Will of God and follow same. With the resolve to do this, I now opened the letter. The writer was the Right Reverend Joseph Sadoc Alemany,[3] Bishop of Monterey in California, who when returning from the national Council in Baltimore, remained several days in New York and looked about for priests for his large Diocese. The need for priests in the new land of California and the pleading voice of the devout Bishop confirmed me further in my resolution. I went to New York and discussed the distant places with this Bishop and promised my services to him insofar as the Archbishop of New York would be in agreement. Alemany himself assumed the responsibility of settling the business with the Archbishop, and thus everything was agreed. In New York I heard that the Right Reverend Vicar General Raffeiner and Father Muller, Rector of the Redemptorists, had suggested me to Bishop Alemany and had recommended me as a useful priest.

The Bishop left earlier than I, since he had to delay in Mexico. I was directed to accompany the Sisters of Charity to California. The 5th of July, 1852, was the day of departure.... There were on the steamship about 1300 passengers—among others, a large number of American soldiers. We sailed past the West Indian islands to the Isthmus of Panama under favorable weather conditions and without any serious mishaps. On July 16, we landed at the port of Aspinwall.

Father Florian goes on to tell his Austrian brethren that he had published an account of his entire trip in several letters in the Catholic Church papers of New York—"therefore, I shall mention the same here with utmost brevity." It is fortunate for us that he continues at considerable length. Although the details of crossing the perilous Isthmus make interesting reading, they are, in the main outline at least, duplicated in many such accounts which have been previously published in historical journals. Hence only those portions of this lengthy account which may add to our knowledge of the interesting priestly apostolate of the man who came to be affectionately known in northern California as the "Padre of Paradise Flat"[4] are presented here. Added to Father Walsh's book (although, seemingly, he knew nothing of these letters) a rather full account of the earlier California apostolate of Father Florian is obtained. Thus, another chapter emerges in the significant story of religious endeavor in California during the American period.

Finally, it should be mentioned that, although the letter is dated from Shasta, it was actually written in Weaverville. Father Florian explains this discrepancy in the body of the letter itself: "Although I wrote this letter here in Weaverville during my convalescence,[5] still I headed it as if written in Shasta since Shasta, as the central station of my district, is the usual place of my abode. . . ."

Father Florian describes his arrival in San Francisco Bay as follows:

> On August 18, 1852 after a trip of forty-four days, we arrived in the principal city of California, this-so-much-talked-about and famous country. Since I have been in this country almost a year and therefore have had the opportunity by reading and by conversation to obtain information about the conditions of the country (for I myself have travelled and am still travelling over a great part of northern California), I believe that one may rely upon my statements and thus avoid forming fantastic ideas regarding our wonderland.
>
> The name California derives from the Spanish words, *Calides fornaces,* which in Latin mean hot furnaces, originating either because the first Spaniards came upon many active volcanoes in California (most of which are now extinct, only a few are still smoldering) or because they found the climate so oppressively hot like that of a glowing oven. To the west of Mexico is a peninsula which is called Lower California and which up to the present time belonged politically to Mexico and only in ecclesiastical affairs did it belong to the Diocese of our Bishop. This peninsula is very mountainous, is inhabited by many wild Indians, and has few missions. Perhaps a special Bishop will soon be appointed for this Lower California so that our Bishop will have nothing to do with Mexico. The actually inhabited and well-known California is, however, the so-called Upper California which (whether legally or illegally only the great day of Judgment will decide) was taken from the Mexicans by the United States in the last War, and with other country districts made up the American spoils. This *Upper* California, commonly called *California,* is the coastal land that extends from the northern part of Mexico to Oregon. From south to north it is 1000 English miles long and about 400 English miles wide. The eastern boundary, however, is not yet determined. The climate of the country is hot throughout. In the winter the rain begins in November and continues until March, although there are interruptions often of several days. In the mountainous regions snow also falls, and upon those mountains which eventually will form the eastern boundary lies perpetual snow, wherefore they are called "Snow Mountains." Spring is delightfully pleasant. Blossoms of the most beautiful and very unusual flowers, which cover all the meadow lands as suddenly as if brought forth by magic, cannot be admired sufficiently. Summer because of its intense heat is very enervating. Furthermore, the weather is quite constant and is never interrupted by rain or a

thunderstorm. The grass withers so that it is hard to believe that anything could grow in the following year; springs dry up; only the avaricious human race defies all climatic influences. Autumn is again as pleasant as it is in Europe. In this climate of California, San Francisco is the only exception. An ocean current which has a constant course from Asia to the Golden Gate seems to bring about this change. The Golden Gate broken through, as it were, between steep rocks is the dangerous entrance into the Bay of San Francisco. This entrance is easily made impassable and invincible by fortifications. Indeed, the Bay has a formless shape. However, in its length and breadth it is over 100 miles. The large Sacramento River flows into the San Francisco Bay. Thus one can imagine how enormously large this port is. San Francisco has the site to become in a short time the most important commercial city in the world. But to further describe the climate. With the exception of the winters the following is the constant weather of San Francisco: glorious beautiful mornings, hot at noon, winds in the afternoon, fog in the evenings, and cold nights. San Francisco is built partly on sand hills and is partly surrounded by the same on the south and east sides. It is almost unbearable when the wind drives about the sand or when the latter piles up more than a foot deep in the streets. Regularly the fog enters through the Golden Gate and covers the Bay and in a short time envelops the whole region. San Francisco is famous for its healthful climate. The sick from all parts of the country who have suffered from fever or have become ill of dysentery, etc., as the result of the recently unbearable heat hasten to that place to regain their health.

As regards the country itself, the largest part is rolling earthland, fertile and generally suitable for cultivation. Along the rivers are lowlands which are exposed to floods. In such regions fever generally prevails in the summer. The coast is more hilly just as the eastern part is a rising mountainous land up to the snow regions. The north is entirely mountainous, full of ravines, and little suitable for cultivation, since there are only a few valleys with level ground. Some mountains are very high. Up to now the "Shasta Butte," which is 5 miles from my location and is said to be 14,500 feet high, was considered to be the highest. The ground of the country is bed rock upon which sand, earth, and loam have accumulated in varying heights. The gold miners usually dig with their few hand tools only until they strike bed rock. In many regions they find the bed rock a few feet down under the earth; on the sand hills they have also dug down 400 feet and could not reach it. However, this bed rock lies higher than the surface of the sea. Nevertheless, there are more remains of volcanic eruptions even on the surface of the earth.

The *fertility* of the land is extraordinary, and it would still be greater if the summer heat and dryness did not hinder and destroy so much. The forests in the mountains are very stately. Oaks and pines from 5 to 10 feet in diameter are not rare. Indeed, a piece of a California tree, which they brought to the World's Fair in New York, had a diameter of 20 feet and a circumference of 94 feet. The piece was cut so very carefully that it could be reassembled in New York or be taken apart for inspection, if so desired. The piece is covered with a leaf which had been cut obliquely from the tree with a huge saw made expressly for that purpose, so that everyone could see that there was no deception regarding this giant tree. Furthermore, there are in the forest many shrubs which are unfamiliar to me, for example, manzanita with red bark and red cherrylike but dry berries, which are good to eat and are gathered industriously by the Indians. There is still a scarcity of fruit trees and fruit. Fruit orchards are planted in the southern part of California, i.e., along the coast where the old Catholic Missions are located. Until more recent times the northern part has been uninhabited and uncultivated. The little fruit that is cultivated is of the very best. Likewise is also the wine. That from Los Angeles is the most famous. On the other hand, the produce of the fields grows luxuriantly. Onions are a favorite vegetable. They are not as acid as in Europe and here they grow to a weight of 2 pounds. I saw heads of cabbage on stems 3 feet high which were about 3 feet in diameter and weighed about 100 pounds. Rare potatoes weighed from 4 to 6 pounds. One time we (our 10 people) had such a potato for dinner; each one took the usual portion, and we all had sufficient (i.e., in addition to the beef). This potato was given to us as a curiosity for a present. Horses, mules, cattle, pigs, sheep exist in great number and are being brought here daily across the Great Plains from the United States. In southern California, many rich persons (Spanish) have from 2000 to 4000 head of cattle, so that the price of a cow is but a few dollars. In the north, however, where everything has to be brought in with great difficulty and expense, cattle and meat are very costly. The rivers yield innumerable and excellent salmon, etc. In the forests there are bears, deer, rabbits, and numberless squirrels. There is also an abundance of wild birds. Since I plan to write about the people of California, I cannot refrain from mentioning something of the history of this country.

The civilizing of the Indians in Mexico is for the most part the work of the Jesuits and Dominicans. The Jesuits, especially German, worked also successfully in Lower California. The work of the establishment of the Missions in Upper California, or our really well-known California, is the work of the Franciscans. In the city of Mexico there was established for the formation of missionaries the College of St. Ferdinand of the Propagation of the Faith which, particularly after the suppression of the Jesuits, walked worthily in their footsteps. This College was given over to the Franciscan Order, to those who followed the reform of St. Bonaventure.[6] These wore gray habits made of white and black wool and patterned after that of the other Franciscans and, of course, were of a somewhat lighter weight cloth which was more suitable to the climate. These men established under the most unspeakable difficulties (since the Indians in California were not so good-natured and were not disposed to civilization) about 20 Missions along the sea-coast, and likewise from the Mexican border to the district of San Francisco, i.e., in the southern half of our California. It is said that individual missionaries had gone north but apparently were hindered in their progress and in the establishment of missions by one obstacle or another. These Missions were similar to the Reductions of the Jesuits in Paraguay. The philanthropic Spanish government gave the Franciscans large and fertile tracts of land with the stipulation that at least 2 Franciscan priests with lay brothers would settle there and thus, living from the produce of the land, work for the salvation of the people. On such Missions were schools for boys and for girls, and the school children enjoyed the goods of the Mission property. At the same time hospitals were set up in the Mission buildings in which every sick Indian who belonged to the Mission received the most loving care. Indeed, the Mission house was the guest house for traveling and strange Indians who had not only the right but the duty to seek shelter there. Indian families as natives of the country had the right to settle there if they so desired. Usually they settled round about the Mission. As long as these Indians did not understand the work and had to be instructed first in every detail by the lay brothers, they usually lived in community. They worked, prayed, and ate in common. Every morning the community assisted at Holy Mass. Every evening they were present at the recitation of the Rosary and Night Prayers. This still takes place in New Granada as I myself have witnessed it. In this regard, these poor Indians put to shame many lax Christians in Europe, whose religious zeal has cooled to the extent that they prefer the least business interests to the graces which they would share in by hearing of Holy Mass or in the Recitation of the Rosary. The work of the Indians was moderate: they themselves were a weak race, and the climate also had its influence upon their lives. Moreover, it was not necessary for them to work too hard, for by little labor they were able to produce more than sufficient provisions. Any Indian who wanted to make his own living independently of the Mission was free to do so. The Mission was no forced establishment but only a charitable institution for the poor and the helpless.

The Missions in California were in a flourishing condition, and it may be taken for granted that in approximately 50 years, i.e., from the suppression of the Jesuit Order up to the Mexican Revolution, the population of the Missions in California increased to 30,000. Here many were drawn to Christianity and civilization. Indeed, yet more would have been accomplished in this regard were those times not so prejudiced against Christianity and the Religious Orders, for which reason the College of St. Ferdinand, in Mexico, could not send so many workers into the Vineyard of the Lord when they were needed and wanted. However, from what has been established, planted, christianized, and civilized one must conclude that the Franciscans here had labored as true apostles and that God's blessing was with them. But since the times of the Jacobins and on to those of the Italian and German "Giants" of the year of 1848—stealing and robbing was an heroic act for the revolutionaries; so was it also in Mexico since the Revolution. The Missions were dissolved; their possessions placed under secular administrators who had to send the profits into the money bags of the grasping leaders of the Revolution. Thus the missionaries were robbed of their support; the Indians were dispersed, there being no longer any help for them at the Missions; the schools were closed; lay brothers were unnecessary, they had no one to instruct in their work and they died away. The missionaries aged, and one after another they went to their graves without being replaced; for the Revolutionists had seen to it that the College of St. Ferdinand would be in no position to send recruits. The Indians driven from their cultivated fields returned to hunting and fishing and with that to their wild mode of life and so for the most part died in those places of fever, which raged yearly in the lowlands along the rivers in which they fished. The large and beautiful Mission Churches were empty or had only small communities so that all together there were about 10,000 to 15,000 Christian souls. Thus it was for the past 30 years. And so it seems not only to be the permission but also the mercy of God that this land of California so richly endowed had been taken from the Mexicans, who only misused and destroyed it, and was given to others. And God ordained that the latter would use the country to better advantage for the well-being of mankind, for their own salvation, and for the glory of God.

Since the time that this land had belonged to the United States, many irreligious people have come here; heretical sects have created all kinds of disorders, and yet religion has also made wonderful progress here, as could hardly have been expected within such a short time (about five years). As mentioned, in about ten years the population of California had become so amalgamated that among the 20,000 inhabitants there were almost 10,000 Christianized Indians in the south and about 10,000 wild Indians in the east and north. Since that time, however, these have been multiplied tenfold by immigration from all directions. At present there are about 240,000 inhabitants in California gathered together from all peoples of America and Europe—yes, even Asia, Australia, and the islands of the Pacific Ocean have sent representatives here. Many come here to become wealthy but with the intention of settling elsewhere to spend their fortunes. However, the plans of many of these are frustrated, and they thus establish permanent homes here. In spite of the departures the number of those who remain here permanently increases considerably each year.

SUMMARY OF THE POPULATION OF CALIFORNIA

Native citizens of the United States, about	60,000
Spanish-speaking, about	40,000
Irish	40,000
German	40,000
French	20,000

Chinese	20,000
Miscellaneous	10,000
Wild Indians	10,000

OBSERVATIONS: The Spanish-speaking include the recently civilized Indians, who as mentioned above were counted to the number of 10,000, while others are immigrants from Mexico, South America, and European Spain. All these are Catholics. The Irish, with a few exceptions, are Catholics. The Germans are usually those who have already lived for several years in America. A few thousand are irreligious ex-revolutionists who have lived here since 1848. About a tenth part of the Germans are Catholic. Almost all the French are Catholics. Among the Chinese there are almost 300 Catholics. Fully half among the miscellaneous are Italians, therefore also Catholics. If I do not assert that all these are practical Catholics, yet the majority are decent Catholics; and, in fact, many can be counted among the good and best people. Even the bad ones still want to be counted as Catholics and die as such.

Hence at the present time the following have registered as Catholics:

Spanish-speaking	40,000
Irish	40,000
German	4,000
French	20,000
Chinese	300
Italian	5,000

It is to be observed that during the past ten years the Catholic population increased tenfold, while almost half of the total population in California belongs to the Catholic Church. Therefore, it will not be a surprise to anyone that in San Francisco where, ten years ago, there was not a house standing, the Catholics living there now number 12,000 and form three large parishes. The Mission Churches are filled again by Catholics who, to be sure, speak languages other than the Spanish. Likewise within the past five years about 15 new churches were built also east and northward from San Francisco, where formerly it was uninhabited and where the immigrants settled for the most part. Since I have now begun to speak about religious conditions, I shall continue on this subject.

The Diocese of Monterey was erected, but the first Bishop died prematurely.[7] After a few years, i.e., three years ago, Joseph Sadoc Alemany was named by the Pope Bishop of the two Californias and was consecrated in Rome. He is a suffragan of the Archbishop of Mexico, and has his headquarters in Monterey, a little city, about *400* miles[8] south of San Francisco. However, because of the hostile relations between the United States and Mexico, it is undesirable that the jurisdiction of a Bishop should extend into the territory of another country. So it is said that at the recent National Council of Baltimore the necessary steps were taken to send to Rome a request to make California (i.e., Upper California) independent of the Archbishop of Mexico and to separate the Mexican Lower California from the Diocese of Monterey. However, this matter has not yet been settled. According to this plan it is supposed that San Francisco would be raised to an Archdiocese to which the other two Bishoprics, namely, that of Monterey and the one to be established in northern California, will be made suffragan. Even with this arrangement the California Dioceses will be enormously large and will entail almost excessive work for the Bishops. In the meantime, Vicar-Generals have been appointed, and the Bishop spends the greatest part of his time in San Francisco as the center of the country and of the most important places of his activities. At the present time there are about fifty priests in California. But the latter are very few for such a country with such a population. It is very difficult to obtain useful priests for this country because such a priest should be able to speak at least three languages—English, Spanish, and French. Everywhere the population is a mixture, although Spanish in the south and English in the north predominate. Religious institutions and schools are not lacking. In Monterey there is a Dominican hospital. Our Bishop, who formerly was the provincial of the Dominicans in the United States, is the superior here also. At the time there is also here a Convent of Dominican Sisters who care for the formation and education of girls. At Santa Inés (Agnes) there is a boys' seminary. At Santa Clara there is a Jesuit College, at San Jose an Institute of the Ladies of Notre Dame. The Jesuits and the Sisters came from Oregon.

In San Francisco there is a well known school for 50 boys and 80 girls at St. Francis Church. Here is also a theological seminary of 3 to 5 students. The latter was started in November of 1852. At St. Patrick's Church the Sisters of Charity, my travelling companions, have a technical school for 100 girls; further about 30 girls are in a boarding school (orphanage). There are about 60 pupils in the boys' school. At St. Mary's Church[9] there is no school. The Church is in the process of construction being built of brick and is 130 feet long and 80 feet wide. It is almost in the center of the City. At Dolores, an old Mission about 1 hour from San Francisco, is a boys' seminary of 40 pupils. There are no such institutions from there on northward. Everything there is still too new and too small. Our Bishop has already invited the Franciscans from Mexico, the Oratorians from England, and the School Brothers to come to California and has also already received promises. Since I also belonged to the local clergy, I shall here mention how things were in my regard. The position assigned to me was to be the German priest at St. Francis Church in San Francisco. At that time on Sundays we had four, five, or even six sermons: one in Spanish at 8 in the morning, one in French at 9 a.m., one in German at 10 o'clock, and one in English at 11 o'clock. In the evening there was an English sermon, and also at 7 a.m. on Sundays an early sermon was delivered in English. The Church, although over 100 feet long and about 40 feet wide, was usually filled. The Germans were somewhat negligent. There are about 1000 German Catholics in San Francisco, but only about 50 come to the sermons. Many, especially the ex-revolutionists, follow a dissolute life; some are prevented by business; and the time of the sermons did not suit others, and because they understood other languages, they listened to the English and French sermons. Also the rude Irish did not leave any places for the Germans in the Church benches. Added to these things, I, as the priest with least to do, was sent out on emergencies to assist elsewhere. Thus, all order came to an end, and the Germans never knew whether or when there would be a German service. Twice during this period I was sent to Sacramento, a city 150 miles north of San Francisco, to supply for the English priest who was ill. Thus I was absent from my Parish for six weeks. Sacramento was a beautiful city of 12,000 inhabitants; but on Nov. 3, 1852 it was burned down completely. I was just at a sick call 25 miles away. At night we saw the fire of the burning city. When I returned on the following day, I saw the dreadful conflagration and the smoking beams. The Catholic Church just recently completed also lay in ashes. I returned to San Francisco. Since then the city of Sacramento and likewise the Catholic Church have been rebuilt. At that time the Bishop gave me temporary charge of the theological seminary until the arrival of the appointed superiors, who were in Santa Inés. Our entire theological group consisted of 4 pupils (it was only the beginning of a seminary). One of these pupils had to be instructed in the ministry and be prepared for Ordination, two were studying Dogma and Moral Theology, and the fourth was beginning Church History. I was very busy, and at the same time the climate of San Francisco did not agree with me. A lack of sweating caused body rashes and similar indispositions. At Pentecost, in 1853, the Bishop sent me to the northern part of the Diocese, where a priest had been needed.

SHASTA is a city in the foothills, about 400 miles north of San Francisco and almost midway between the eastern and western boundaries of California and about 20 miles from the Oregon border. The country of Shasta, which was my first mission, can be easily imagined if one recalls the country of Aachen valley at Mauthause to the so-called Passl. Houses are on both sides of the streets. Shasta has 120 of them. At the end of a small street I bought myself a little house with a garden. This house I transformed into a chapel 16 feet long and 12 feet wide, large enough for the parish since there were only 50 Catholics there. A built-on room serves me as a living room and a kitchen. I was in Shasta hardly a week when, while I was absent on a trip, 80 houses of the city were burned. My trunk which at that time I still had in a private house was barely saved. The cover burned from the trunk which P. Heinrich had presented to me, and the front side was doused with water just in time so that the clothes within remained undamaged. Since the fire, after which the city again recovered, I have only 20 Catholics. My next place is Weaverville, 40 miles, therefore 13 hours, west of Shasta. A carriage road leads to Shasta, and a stage coach goes to the south daily, either 130 miles southeast to Marysville or 130 miles south to Colusa. At both these points one may set out on a trip to San Francisco by steamboat. But westward from Shasta there is only a mule path. All provisions must be carried into these mountains by mules, which makes everything very costly, as a mule can carry only 250 pounds and is unable to travel very far in a day. I travelled in this manner every month on foot to and fro, my travelling bag with my vestments on my back. This path leads across brooks without bridges, through forest and thicket into a narrow valley up to a 4000 foot high mountain; and after I have climbed this I then know that half of the road has been passed over. Then one has to climb down the whole mountain and continue the journey along the banks of the Trinity River until one has to climb two other but lower mountains (about 1000 to 2000 feet high); then I am at my destination. The journey is difficult. There are about 6 houses along the 40-mile trip. On my last trip in the beginning of August, I was overtaken by nightfall before I reached the next house as I had planned to do. In the darkness I missed the narrow path and lost my way in the woods, where I had to spend the night under the open skies, which I did not care to do, since bears, wolves, snakes, and wild Indians, all of which are not unusual here, could easily have disturbed my sleep; and furthermore I was unarmed. Another hardship is the lack of water. Many springs dry up in the summer so that in the oppressive heat one must often pass one or two hours before a drink of water can be procured. This so affected me on my last trip that I had to go to bed on the 14th of August and only after a prolonged illness was I able again to say Holy Mass here in Weaverville on the 18th of September. My illness was a bilious fever which I had two years ago at this time, and the black fever which is endemic here followed that; this indeed rarely occurs here in the mountains but more frequently in the river country. I had spent several days in the Sacramento valley a few weeks ago where this sickness is prevalent. It may well be that I contracted the sickness there. It is hard to lie sick in a strange neighborhood and among unknown sick people. In the small town there is an Irish Inn, but there is no place for a sick person, for every corner of the house is already in use. Moreover, two poor Irish families could not support me. I lay practically forsaken for several days in a lonely hut. Finally, some German Protestants heard that I was lying there sick. Immediately they took me in, they procured better lodgings for me and served and cared for me lovingly and gratuitously. Indeed, they would have even paid the English doctor and the apothecary were it not that the former served me without pay and that I had made payment to the apothecary since I was able to do so. Now I am well but weak. It is obvious by the writing in this letter that my trembling hand refuses to serve me. At present I am building a Church here in Weaverville, 40 feet long and 20 feet wide which will be completed in two weeks. In and around this place there are about 300 Catholics. In addition, there are many new towns and villages in the outlying districts. I was able to visit only a few of them. The other work I must save for next year. For example, there is Eureka, an important city, about 130 miles west of Shasta. The mule paths to that place lead through many mountains. One has to spend the night under the open skies. The country is unsafe because of the Indians who at this time are again engaged in warfare against the settlers. The nearest priest to me is at Marysville, 130 miles south of Shasta. The trip there and back costs 60 dollars. That is how far I have to travel for a confessor. The present priest at Marysville is also a Tyroler, Father Peter Magagnotto, C.P., from Trent. He is a man of my age and belongs to the Passionist Order. He was in Sydney, Australia, almost six years and arrived here last winter. In my whole district there are 3000 Catholics; however it is difficult to contact them in the mountain gorges and to lead them back to their duties and form them into parishes. One might ask what are these people doing in mountain gorges? They are gold diggers (miners), for I have my mission in the midst of the northern gold region of California. Don't immediately exclaim, "O, how lucky you are, Florian!" The world and the people in it are almost the same everywhere only that in some places they are worse, but worse than in California they certainly are not.

. . . Many lose their possessions through the wickedness and dishonesty of the people. A month ago it happened here that an Irish merchant promised to obtain flour cheap for the miners who were his countrymen, if they would first put up the money. The poor people gathered together 1300 dollars and gave it to him. The merchant disappeared with the money and up to date has not been caught. At this point it seems appropriate to write something about the *morality* of the people of California. Of course, there are very many decent and good inhabitants here, all of whom deplore the great immorality which prevails among them. It appears that among those eager for gold the dregs of mankind have slipped in and settled here. One source of immorality is the lack of decent families. Among the entire population here there are about 5000 women, so that the proportion of men to women inhabitants is 50 to 1. Not only in the cities but also in the villages there are houses of ill repute where low women publicly prostitute themselves. For example, there are five such houses in Weaverville. What danger for young and light-hearted people! Husbands, who have left elsewhere their faithful wives and devoted children, follow here an evil life. Others live in the so-called "California marriages," that is, in concubinage as long as it pleases both parties.

Other scandalous stigmas of California are the many authorized gambling houses in which gamblers (professional) entice many simple people and those with a passion for gambling and take away their money. These players pay a business tax for their dishonest gambling as others do for their respectable work. Robbery and stealing on a large as well as on a small scale are frequent. Since the miners have no special place for their ready money, they are inclined to carry the gold dust with them; and it thus frequently happens that in bad houses or inns, they fall into a drunken sleep and are then robbed. Often a successful miner when leaving loses his entire hoard on the journey either on the steamship in the Isthmus or even at the landing places, for the robbers seem either to form a line or to travel after the prosperous men until they relieve the latter of their booty. Many robberies occurred at the Isthmus, and they always blamed the poor natives there. Finally, however, it was discovered that an innkeeper at Gorgona, an American, was the robber-chief. He is now imprisoned. A month ago the notorious robber, Joaquin, who for a long time held California in terror by his daring and adventurous robberies, was shot in a skirmish. In no land are there so many murders, even if the population is one hundred times larger than here.

Our papers, of which there are about 20 here, among them a Catholic one (Catholic Standard) and a German one (The California State Paper, which the German, Michteltum Wakker, represents, that is, seduces the Germans and pulls them about by the nose) report from the interior nothing but misfortunes, robberies, murders, duels, deceptions, swindlings, fighting, and so forth. Sunday is not observed by many: swearing, cursing, taking the name of God in vain is universal among the many rough elements. The most terrible thing is to have an enemy or to be hated, for revenge will be taken to the extreme often because of a little or unintentional insult. As this happens here all the more easily because every man here in the gold country is always armed with pistol and dagger or with one of these. It is a repulsive and frightening sight to see a gang of gold diggers in their robber outfits with weapons in their leather belts and having long beards; however many good souls are hidden under this rough exterior. One might ask: Are there no authorities in California to prevent so many crimes or to punish them? Yes, we have a governor, a senate, a deputy judge, lawyers, sheriffs (chief of police and at the same time hangmen), and constables (police helpers). However, the violators mentioned above are freed by juries. If a large part of the people is bad, then there are usually evil men among the jurors, who block the unanimity of just judgment, and thus violators escape unpunished while many innocent ones are executed by the mob, exercising its "rights" to lynch people. For the incited mobs do not think and consider and therefore do not know how to distinguish and judge justly. Furthermore, the judges chosen by the people are frequently even weaker; they seek to be reelected after a term of office and do not want to make enemies among the people. Out of fear of enmity and revenge they often make decisions other than those demanded by justice. To a certain extent, mob justice has been modified, yet the desire for it among the miners is still prevalent. Indeed, many of them yearn to lynch and to fight. Hardly a month passes without a judgment being carried out by the wild mob. The worst feature of these executions is that sentence is rendered without delay; the probable criminal has not time to prepare himself by repentance for approaching eternity.

To assist the authorities the United States has sent the military, one group is stationed at the Presidio in San Francisco, another at Benicia between San Francisco and Sacramento, etc.; and it is said that things have become better since then. He who lives under such horrors which occur quite frequently nearby cannot really like California. Here in Weaverville, in four months, two men, a Chinese and a German, have been drowned in the Trinity River; one German committed suicide, another German, while drunk, was killed by another whom he had threatened to shoot. A gambler was shot by a sheriff when the former threatened the latter with a dagger. These and similar incidents are for us daily occurrences, not happy ones, to be sure. Fortunate indeed is the Tyrolese peasant in his mountain home: at least he can sleep peacefully. The neglect of religion is a major sickness of the people. In five years many have run wild; low morals have taken the upper hand. The self-conceit of the gold miners is almost unbearable. Many of our Germans are not lagging behind the others in this matter. In San Francisco there is an Athletic Club. There are Sunday balls, political opposition rallies, revolutionary intrigues at which old straw is hammered over. Indeed, they are over-enthusiastic about the patriotic suggestions of the hosts. What can one expect of the German "heroes" of '48? As regard Europe they are harmless, like dogs barking at the moon; in America and California they are inconsequential as radical politics will never find a footing here. The most pitiful thing is that they only hurt themselves, since with honesty they could find their fortunes here and they will see their folly only too late. I have described here only a small part of the immorality which reigns here; and if I have passed over a hundredfold more frightening and afflicting incongruities in this place, I still hope that no Tyroler permits himself to be so far misled by a thirst for gold as to stake his fortune, health, life, and salvation to become and remain a gold miner, merely for the sake of vanity.

If, however, anyone is unable to restrain his thirst for gold, let him in imagination sit at any stream and wash sand, perhaps he will find gold, at least 20 wagons full of sand for two florins (gulden), and then he would be in a better position and live more comfortably than here in the gold country: at least he is in his native land and doesn't have to long for it in vain. If I write here so many words of warning, one will think that I am dissatisfied with my circumstances. Worldly men come here for certain reasons while a missioner comes with other intentions. God knows that it has never occurred to me to enrich myself or to seek wealth at all. If it were not His call that led me here, then I have come here by chance. But now I am a real missioner. Years ago I came to America only as a city priest from Europe. O how I felt myself to be a true Catholic missioner when in the past fall a Chinese served my Mass. One really feels himself a true Catholic Christian when in San Francisco one takes part in the Sunday services, where the United States, Canada, Mexico, Chile, Peru, Brazil, Ireland, England, France, Spain, Portugal, Italy, Switzerland, Germany, Austria, Poland, China, Australia, and the Sandwich Islands are represented; for all these understand the Holy Mass and take part in the One Sacrifice. Even if my district is large, more than 200 miles wide and 100 miles from south to north, I can feel how necessary I am here, and how useful I can be, if God blesses me in my work. In the midst of the gold country I live in greater poverty than ever before in my life. My dwelling is miserable, my clothing poor, and my fare meager. Much cannot be gotten here, and much of what is received is very expensive. However, one becomes accustomed to poverty, and then it is not so burdensome. It is the same with all the people around here. My Catholics, who are so scattered, support me up to the present in such a manner that I could live tolerably but not decently. I hope that in time things will improve. Since I am not supplied with kitchen utensils, I took my midday meals in an inn in Shasta. One piece of bread was my morning and evening meal. Hitherto, in Weaverville I received my food at a small price from an Irish inn keeper; however he will soon leave California, and then it will be different. Very often it happens to us Californians as to King Midas, around whom everything was of gold but yet he endured hunger and thirst. My chair, table, and bed is standing on gold ground, and yet one often suffers from the lack of the necessities of life. The gold miners and other citizens are in this respect in the hands of the merchants, of speculators, and of purveyors; the latter know only too well how to manipulate things so that little or nothing remains in the pockets of the miners. The more necessary a thing is for life, the more it is valued and the higher is the price advanced. God be praised and glorified in everything—in work and in peace, in abundance and in need.

Your Grace will forgive me if perhaps I have caused you boredom by this letter, but I thought that I should relate things in detail since nothing is known with certainty at a distance as great as Tyrol. Thank you very much indeed for the beautiful prayer book, the pictures, and the letter. I heartily wish that my dear Monastery at Fiecht will soon recover from the hard times, that God will bless my dear Fatherland, and that He will give to the authorities and to the people the right judgment in all things, and that He will cease His maledictions upon the political strifes of the years '48 and '49.

From a distance of more than 7000 miles I send greetings to my beloved brethren. For prayer and love, the greatest distance is but a span wide. I earnestly beg the prayers of my brothers and friends for I need them very much at present: first, for my personal salvation, since I live so far away from another priest, and second, for the sake of those for whom I have been sent here, for there are many hardened and great sinners among them. In conclusion, I would like my dear sister to share this letter. I send my best love to her as a brother, and as a priest and missioner never forget her. I send regards also to all those who read this letter or hear it read. And now I kiss the image of my crucifix since I cannot kiss the hand of Your Grace in gratitude and in childlike submission, and at the same time I request your further love and kindness.

Your Excellency and Grace
Most humbly,
Father Florian, O.S.B.

My address is:
Rev. Florian Schwenninger
San Francisco, California, North America
Care of Right Rev. J. S. Alemani [sic], Bishop
With this address a letter is certain to be received by me, in case I should be transferred somewhere else – letters can get lost.

* * *

In conclusion, it may be of interest to mention that the name applied to Father Florian—"The Padre of Paradise Flat"—had its origin in the fact that he, as a significant part of his laborious apostolate, erected a church near Sawyer's Bar, which is located on the North Fork of the Salmon River, a tributary to the Klamath River. About a quarter of a mile downstream from the lower edge of the town lies a flat portion of land which was called Paradise Flat. Here Father Florian built his little St. Joseph's Church which he completed in 1858. Since he eventually made this the center from which he circulated all over a vast area in pursuit of his missionary task, he came gradually to be known and loved as the "Padre of Paradise Flat."[10]

NOTES

1. Henry L. Walsh, S.J., *Hallowed Were the Gold Dust Trails: the Story of the Pioneer Priests of Northern California.* University of Santa Clara Press, 1946.

2. Father Florian was in New York City at this time.

3. Joseph Alemany, O.P. (1814-1888), after serving as Bishop of Monterey in California (1850-1853), was the first Metropolitan Archbishop of San Francisco (1853-1884).

4. The original of this letter was written in old German script, and I am indebted to a young Benedictine monk of Fiecht Monastery, Brother Boniface Bohrer, O.S.B., who, in 1957, when apprised of my forthcoming visit to his monastery, spent the greater part of a summer deciphering these and other letters of Father Florian and typing them in neat modern German. It is only right, too, to mention the valuable help of Sister Mary Lucia of the Presentation Convent Motherhouse in San Francisco in the important matter of translating these letters into English.

5. Father Florian had been seriously ill just before he wrote this letter.

6. Father Florian is mistaken in attributing this reform of the Franciscan Order to St. Bonaventure. It is more correctly attributed to the Franciscan, St. Bernardine of Siena.

7. This first Bishop of "Ambas Californias" was Francisco García Diego y Moreno (1785-1846), who served as Bishop in California. He died in Santa Barbara in 1846 and lies buried in the sanctuary of the Old Mission there.

8. Obviously, Father Florian is incorrect in his mileage here: Monterey is about 130 miles south of San Francisco.

9. This church is commonly known in San Francisco as "Old St. Mary's"; it served from 1854 to 1891 as the first Catholic Cathedral of the city.

10. Unfortunately, there seems to be no extant portrait of the energetic Austrian Benedictine, and the only memento which can be related to the person of Father Florian seems to be a set of purple Mass vestments which were preserved by an old family of Marysville after his death; these were recently presented to the University of San Francisco where they may be inspected.

New Books

Last of the Vaqueros. By Arnold R. Rojas. (Fresno, Academy Library Guild, 1960. 165 pp. $3.75.) Reviewed by Owen Ulph.

Old-time cow outfits used to send riders scouring the hills for brush-huggers that had eluded the vaqueros during the main round-up. Arnold R. Rojas' little book belongs to what could be classified as "the literary gather of the re-ride." Seldom, this late in the season, is a worthwhile contribution added to the bulk of cowboy lore, but every now and then a hand will turn something up, if only a fragment, that makes wages. *Last of the Vaqueros* is a lean critter, but good stock. Portions of it should enrich some anthology of authentic range literature.

Last of the Vaqueros is written in four sections, each of which represents an improvement over the preceding one. Rojas, with dubious sincerity, suggests that the first section, *Ancient History*, "may be skipped by all except Scholars and True Aficionados." Actually, it should have been omitted altogether. Neither scholar nor aficionado will find anything in it that cannot be found in less corrupted form in the sources. The section is a dead rat in an otherwise pure spring. Since seasoned cowhands would simply throw out the rat and drink the water, we will do the same.

The contaminated quality of the beginning is due to the author's romanticised images, phrases, and attitudes which give the impression of having been taken from a mail-order catalog of cut-rate stereotypes. Instead of introducing the "Californiano" discreetly and allowing him to reveal his own personality to the reader, Rojas opens the chute and has him bound into the arena with a grizzly salivating at the end of his reata—grizzly roping being the "favorite sport" of the "Californiano." With relentless bad taste Rojas endows his subject with superhuman prowess, describes him as the legatee of all the equestrian skills of the "warlike tribes" who "swarmed over Asia," and credits him with leaving "his stamp all over North America." Extravagant, parochial ballyhoo has made the "Texan" far from egotistically sublime. Irresponsible glorification is no more bearable when applied to the "Californiano." In this section of the book the land "teems" with horses that "swarmed out of Arabia." Cattle graze in "countless droves." A "skinny, gangling kid" (the author) gazes awe-struck at a pageant of giants on the earth who were all "past masters" at their incomparable craft. The title of the book is typical of this gaudy element. To Zane Grey, if not to James Fennimore Cooper, should have been left the privilege of writing the last of the Last Of's.

Once Rojas moves beyond the fences, his style sheds tallow and gains effectiveness. The book begins to grow worthy of the ganted, weathered author whose portrait appears on the dust-jacket. Some burrs still cling to the manuscript in Part II, *Mostly About Horses*—probably because it is difficult to refer to "man's dearest possession" without recourse to such badinage as "wall-eyed, hammer-headed, cold-backed reprobate." Also, Rojas frequently spoils a good passage by artistically misplaced explanations. For example: "The Arabs say that the worst enemy of the horse is fat and rest. The vaquero says that there is never anything wrong with a horse that wet saddle-blankets won't cure." Symmetry and precision of phrasing are botched by the overly-conscientious appendage, "Meaning, of course, blankets that are wet with sweat."

It is tempting to succumb to sentimentality when reminiscing about old-cowhands-I-have-known, which constitutes the subject matter of Part III, *Mostly About Riders*. Rojas' iron slips badly on a mawkish effort entitled, "An Old Master," but he manages to keep idolatry to a minimum in his subsequent sketches, some of which retain a tone of unembellished authenticity.

The final section, *Lore and Legend*, is the author's best. Cowhands have spent hours around camp-fires and pot-bellied stoves arguing the respective merits of dallying and tying hard-and-fast. Rojas presents an unassailable case for the dally men and pulls up short those hard-and-fasters who have been enjoying verbal slack for too long. The section also contributes a grim footnote to the career of Joaquín Murrieta and a singular one to the history of ranch gastrology . . . An ostrich roast, or an ostrich egg omelet, creates quite an image!

As Rojas' work nears completion, it acquires qualities opposite from those with which it began. Ritual worship at the shrine of the "Californiano" is abandoned. Characters become individualized, human, and universal. The narrative technique grows increasingly terse and the style becomes bleak, yet convincing. The end is abrupt and artless.

The reader, whose appetite has now been whetted, craves more and is compelled to leave the author's table hungry. Had Rojas begun his manuscript in the spirit with which he concluded it, he might have created a minor masterpiece.

OWEN ULPH, a former cowhand in central Nevada, is professor of history at Reed College.

Malaspina in California. By Donald C. Cutter. (San Francisco, John Howell—Books, 96 pp. $17.50.) Reviewed by A. P. Nasatir.

Professor Cutter has performed a very valuable service in making better known a portion of Alejandro Malaspina's great and important scientific expedition around the world, long overshadowed by the better publicized trip of La Pérouse which preceded it by five years. Fortunately Malaspina made a side trip to California, but unfortunately his visit to the Spanish province coincided with the interregnum when that outpost had no governor. Hence Malaspina dealt with lower echelon officials headed by Lieutenant José Darío Argüello. Local fame is attached to Malaspina because his expedition brought the first American to California, John Green, who died and was buried in Monterey.

Malaspina's work remained practically unknown for many years because he was on the wrong side of the political intrigue at the Spanish court; thus materials concerning his voyage lay buried and unnoticed for decades. The account of his expedition was not published until 1885. But Cutter's book is not merely a reprint of the journals kept by Alejandro Malaspina during his circumnavigation of the globe. Rather, it is an account of the voyager's fifteen-day stay in California, gleaned from his records and enhanced by other original materials and sources. What Professor Cutter does is to use the old and the published, as well as new unpublished materials, to recreate each day of the expedition's sojourn in Monterey. Thus this handsomely printed volume is concerned only with Malaspina in California, not with the full sixty-two month voyage.

To tell his story Professor Cutter uses the published *Vuelta del Mundo,* Malaspina's correspondence, the guardbook of the *Atrevida,* and other materials which he found in Madrid's Museo Naval, the archives of Spain and Mexico, and the Bancroft Library. Various published works, including an English translation of some California portions of the *Vuelta del Mundo* which appeared in this *Quarterly* in 1924, are also utilized.

The present volume is enhanced by excellent illustrations, both color and black and white. The reproductions emanated chiefly from the Museo Naval and the Bauzá collection, now privately held by Honeyman.

Chapter I deals with the background of the Malaspina expedition around the world, the "side trip of exploration" from Acapulco to California, and the exploration of the coast from Nootka Sound to Monterey. The printed accounts of the *Sutil* and *Mexicana* are not included here.

Chapters II and IV constitute the greatest contributions of this important volume. In Chapter II, "Artists and Art in California," Professor Cutter offers a remarkable listing of the expedition's sketches and paintings which relate to California. Malaspina's first boatswain, José Cardero, became the expedition's unofficial artist. His "Birds of California" are printed in color. Twelve of the seventeen reproductions are identified by Professor Cutter as from the pen and brush of this talented sailor.

Chapter IV contains Malaspina's Observations, which are highly important for California historians. Observations were made on almost every scientific bent. The expedition acquired a collection of Indian artifacts, zoological specimens, fish, mineralogical and botanical curiosities. The great Austrian botanist, Dr. Tadeo Haenke, first Ph.D. to visit California, was the naturalist for the voyage. A valuable treatise on many facets of California, the Observations include information concerning trees, plants, flora, fauna, economic resources and developments, San Blas supply ships, temperature, tides, Indians, population, maritime fur trade, geography, crops, etc. California's major problems and minor successes were also comprehensively surveyed.

In Chapter III, the most utilitarian, Professor Cutter recreates a day by day account of the two weeks during which the expedition remained at Monterey.

A number of valuable appendices help make the volume a welcome addition to Californiana. They are: Appendix A, report on lumber produced at Monterey; Appendix B, resumé of San Blas vessels, 1767-1791; Appendix C, prices of livestock, fruit, and grains in the province, scheduled according to the California tariff (1791); Appendix D, survey of conditions in California, including livestock, agriculture, and population; Appendix E, missions of California—baptisms, livestock (1791).

Notes appear at the end of each chapter; a bibliography of sources and materials together with a very useful index complete the work.

Professor Cutter, publisher Howell, and printer Kennedy are to be congratulated upon the appearance of such a handsomely prepared and beautifully illustrated volume. Nevertheless, impecunious professors could hope for a price less staggering than $17.50.

A. P. Nasatir, author of numerous historical monographs, texts, and articles on the French and the Spanish in the West, is professor of history at San Diego State College.

Politics and Grass: The Administration of Grazing on the Public Domain. By Phillip O. Foss. (Seattle, University of Washington Press, 1960. 236 pp. $4.50.) Reviewed by Dallas E. Livingston-Little.

As might be deduced from the title, Professor Foss has attempted to present a study of the utilization of public lands for grazing as an example of one type of governmental administration.

As background for his presentation, the author first offers a concise and enlightening resumé of the history of public land acquisition and disposition in the United States from 1781 to the present. Perhaps the main value to the reader in reviewing the early history of our public land practices is to understand the reasons for the fact that virtually all of the public lands today are located in the far western states. The other principal purpose in discussing the historical background in such detail is to show that the federal land disposal policies have generally been inconsistent and notable in their lack of suitability for application in the arid west.

Since the public domain constitutes, in the author's words, "the landed estate of the American people," one might assume that they would be vitally concerned with its use and preservation. Unfortunately, such appears not to be the case, and public apathy or ignorance coupled with inappropriate federal policies has conspired to encourage misuse, uneconomic practices, conflict, and fraud. Only after all the best of the lands were disposed of did the government make a serious effort, in the 1930's and 1940's, to prevent the destruction of the residue. By this time, the lands remaining were suitable for nothing but grazing; so the policies adopted were calculated to eliminate cutthroat competition and overgrazing that would lead to erosion. The methods developed to create and administer such a policy were largely the work of the stockmen themselves, with the result that while range wars were stopped, the overgrazing continued, and little of the hoped-for range improvement has occurred.

Going beyond the historical aspects of range practices and policies, Professor Foss employs the case study method to demonstrate how public policy is formed, frequently through the agency of the individuals or groups most directly concerned, rather than by disinterested civil servants. This is passed off as desirable because of its democratic "grass roots" approach. In this particular instance, at least, the problem was solved in the best interests of those directly involved, with little or no regard for the public interest. The reader is left with the uncomfortable feeling that a significant part of our government may follow a parallel course.

Obviously this is a study as well as a story. It has more to say than many books several times its length, though it is said without preaching; indeed, the reader must formulate his own conclusions. In addition to the usual preface and index, there are several interesting tables containing information on grazing districts and the members thereof, but most deserving of mention is the remarkably attractive style in which it is written.

DALLAS E. LIVINGSTON-LITTLE, whose field of interest is the Northwest, is an instructor in history at Los Angeles Valley College.

California As I Saw It. By William McCollum. Edited by Dale L. Morgan. (Los Gatos, The Talisman Press, 1960. 219 pp. $6.95.) Reviewed by Doyce B. Nunis.

The impeccable and brilliant scholarship of Dale L. Morgan of the Bancroft Library has breathed new and meaningful life into one of the rare personal California Gold Rush narratives published while the Gold Rush was still in progress. Printed in 1850 by George H. Derby & Co., Buffalo, New York, only six known copies of the original edition have been located to date in public depositories; the library of the California Historical Society being one of those fortunate few. A cenutry later, contemporary scholars and interested readers will find in this edited reprint a welcome addition to their Californiana book-shelf.

Mr. Morgan's introduction, an essay that vibrates with his attention to varied sources and research enterprise, is judicious and contagiously informative. He succinctly details related original published accounts of "that narrowly delimited literature of which McCollum is so striking an example." Combined with this bibliographical summation is a carefully drawn biographical sketch of William S. McCollum, native of Millerstown, Pennsylvania; who was educated in common and select schools and read for medicine under Drs. Smith of Lewiston, Hyde of Youngston, Southworth of Lockport, and who attended lectures at Fairfield and Geneva Medical Colleges in New York; who was taken in death, the 76th year of his life, November 19, 1882. Lastly, the editor presents a vivid backdrop of the setting and time of McCollum's trip to California, emphasizing the Gold Rush within a national context and the Isthmus route taken to the gold fields. The latter point is reinforced by a compilation of the arrival of vessels and passengers at Chagres for California, December 27, 1848-April 30, 1849, as an *addenda* to the volume.

As to McCollum's narrative, one can only agree with Mr. Morgan's appraisal: "He observed the California scene with a realistic eye, and some sense of irony for the behavior of himself and all others who were caught up in the Gold Rush. Unlike so many others, he built up no ill-will against California for not having made a wealthy man of him; he looked upon the present and the future of California and saw them fair." Depth and clarity to McCollum's account is rendered by Mr. Morgan's articulation of the text and added compact and knowledgeable notations. As an ingredient of no small merit, he includes five letters written from the Isthmus by W. H. Hecox, which he unearthed in the 1849 spring issues of the Buffalo *Daily Courier*.

Dr. McCollum could write: "I came away from California, with generally favorable impressions of the country, as a field of enterprise and adventure; well suited to the habits and character of our people.... There is a great state to build up; an opening for enterprise and industry in all the varied, mixed pursuits of life." But it is Dale Morgan who gives his historic dimension to this comment. What he asks and suggests to all who have the "California fever" (and whom does that exclude?) is basic: do we understand the inter-relation between California during the Gold Rush and the rest of the nation? Have historians devoted to California's history plumbed the columns of eastern, western, and southern newspapers, searching for the national measure of the impact of the gold fever? What were the cross-currents to and fro across the American continent? But this is the contagious information one finds in Mr. Morgan's introductions. The essay which prefaces the McCollum reprint is no exception.

The reader will find in this volume a happy combination: authentic eye-witness history, a challenging and perceptive introduction, clear and decisive editing, a rarity in Gold Rush narrative literature in an attractive format which is now accessible to a larger audience. But most of all, one will find that the "inquiries attendant" on this book are those of Dale L. Morgan.

DOYCE B. NUNIS, author of *Andrew Sublette, Rocky Mountain Prince, 1808-1853* and numerous articles, is currently assistant research historian and lecturer at the University of California, Los Angeles.

The Laws of Burgos of 1512-1513. Translated, with an Introduction and Notes, by Lesley Byrd Simpson. (San Francisco, John Howell—Books, 1960. 57 pp. $8.50) Reviewed by John Francis Bannon, S.J.

The Laws of Burgos and the Amendments of the following year constitute two very important documents for the history of Spain's empire in the Indies. They are "royal ordinances for the good government and treatment of the Indians." A first formal attempt on the part of the Crown to regularize the attitudes toward and relationships with the native Americans, these pieces of legislation are valuable in the larger story of contacts with less advanced peoples which grew out of European expansion from the sixteenth and into the twentieth century—such a live topic of interest today.

The *Leyes de Burgos* have long been known to scholars in their original language. Now, thanks to this translation and excellent edition, others besides professed Latin Americanists and Hispanists will have these documents for handy reference and consultation. The introduction and the fulsome notes of the editor, Lesley Byrd Simpson, add very much to his translation, and are in the finest tradition of scholarship which he has set through the years in his studies of Spain's policies toward the Indians.

And, speaking of fine tradition, a word of commendation to Howell and the printer, Lawton Kennedy, for another in a long series of beautiful books.

JOHN FRANCIS BANNON, S.J., professor of history at Saint Louis University, is the author of *History of the Americas* and coauthor of *Latin America: An Historical Survey.*

San Francisco's Golden Era: A Picture Story of San Francsico before the Fire. By Lucius Beebe and Charles Clegg. (Berkeley, Howell-North, 1960. 255 pp. $5.95.) Reviewed by Dwight L. Clarke.

The latest production of Lucius Beebe and Charles Clegg—*San Francisco's Golden Era*—while in format a very handsome book, could quite as accurately be termed an album or portfolio. Its two hundred and fifty pages contain many more than that number of pictures. A majority of these are old time photographs; some are reproductions of drawings of every conceivable subject but all relate to the color, daring energy, and distinctive personality of pre 1906 San Francisco.

The text accompanying the pictures is interesting and accurate. The only other text of any length is the seven-page introduction in the author's well-known style. Therefore, it is not surprising to find repeated examples of purple prose, as well as humor, breezy as the city itself.

While the author's theme—that San Francisco from its earliest halcyon days has "smelt of money"—is easily supported by pictures, nevertheless it seems to this reader to have been a little overstressed. The community's many other characteristics are subordinated in the process. Many of the pictures themselves offset this fault, if it be one, for they spring unretouched from the heart of the city. Children absorbed in play, both white and Oriental strollers, hewers of wood, and drawers of water—all unconscious of the camera—furnish some of the richest pages of the volume.

Here the San Francisco buff will find resurrected many scenes long buried in memory. The Bancroft Library, the California Historical Society, the Society of California Pioneers, the Oakland Art Museum, and the Wells Fargo Bank supplied many of these pictures. Some private collections like those of Roy D. Graves, William Bronson, Grahame Hardy, and Howard Fogg have also been drawn upon. Even the New York Public Library is represented. Some of the selections may never previously have appeared in print. Therefore, the reader finds himself at Woodward's Gardens, the Harbor View Baths, the Bella Union Theatre, and ancient hostelries like the What Cheer House. There are striking pictures of the original Palace Hotel in the days when its name required no hyphenated adjective. We can even study models of vanished conveyances—phaetons, landaus, broughams—and pictures of the palatial stables with solid silver fixtures that housed the beautiful horses of the elegant eighties. No chronicle of old San Francisco could be complete without its cable cars, horse cars, and ferryboats on the Bay. They are all here in sufficient variety to satisfy the most nostalgic taste.

A great number of the pictures are reproduced as mementoes of the city of long ago, but the book is enriched by a few that apart from their historic interest are works of art in themselves. Pre-eminent among these is a lovely painting in the collection of Dr. Albert Shumate. The scene is a foggy evening on lower Howard Street. It is the work of a Mexican artist named Arriola and would command admiration in any gallery. Another appealing painting recaptures a haunting stretch of the Sacramento River and one of its early stern-wheelers.

In view of Beebe's and Clegg's attachment for Virginia City and its storied past, it is not surprising to find many references to that region and the millionaires it created. The authors point out that the Comstock was in effect an industrial suburb of San Francisco. Not only was that industry the mining of precious metals, but glamorous old San Francisco was almost literally built from Comstock silver and gold for several decades. The majority of the mighty names of its commercial and financial life owed their start to the mining community on far off Sun

Mountain. This connection is further emphasized by the striking design on the book's cover which reproduces in outline a drawing of the four Silver Kings of the Comstock who were as much at home "down at the Bay" as in Washoe.

Some of the excitement of the mining era reveals itself in the purple passages of the introduction and the occasional overexuberance of some of the other paragraphs. But in a few pages the hue changes to true scarlet. Certainly the night life of San Francisco had its scarlet side (as have all the world's great cities) so it can be argued that the inclusion of scenes from the underworld merely rounds out a picture true to life. But when the authors roam as far as the Klondike to rescue painted women from oblivion, one must object that this is irrelevant and immaterial in a book seeking to recapture old San Francisco.

The publishers, Howell-North of Berkeley, have turned out a volume notable for binding, quality of paper, printing, and reproductions. However, their proofreader nodded here and there; so we are surprised to read that gold "was discovered in the Sierra foothills in 1858." Again when reference is made to the judicial sale of a local newspaper, we are told that Delmas Demas appeared for the purchaser. Was this not the well known attorney Delphin M. Delmas?

On their first page the authors happily quote Bernard De Voto's "Make no mistake, stranger, San Francisco is West as all hell." Since they go on to record the days before 1906, the book closes most fittingly with an action picture of three old time fire horses gallantly responding to an alarm with their truck and crew. They may very well have been galloping to the Great Fire that in the fullest sense ended San Francisco's Golden Era.

Dwight L. Clarke, a former San Franciscan and former president of the Occidental Life Insurance Company of California, is second vice-president of the California Historical Society.

RECENT CALIFORNIANA

A Check-List of Publications Relating to California

Compiled by M. P. Servín

BOOKS

Beebe, Lucius, and Charles Clegg. *San Francisco's Golden Era: A Picture Story of San Francisco before the Fire.* Berkeley, Howell-North, 1960. $5.95. (Reviewed in this issue.)

Bradley, Glenn Danford. *Story of the Pony Express.* 2nd ed., edited by Wadell F. Smith. San Francisco, Hesperian House, 1960. $5.00.

Bud Boyd's Guide to Hunting and Fishing in California. San Carlos, California, Chronicle Publishing Company, 1960. $1.95.

Conmy, Peter Thomas. *The History of Admission Day as a Holiday and Its Present Legal Status as Such.* San Francisco, Native Sons of the Golden West, 1959. Apply.

Cook, Sherburne Friend. *Colonial Expeditions to the Interior of California: Central Valley 1800-1820.* Anthropological Records, Vol. XVI, No. 6. Berkeley, University of California Press, 1960. $1.50.

Crouch, Winston Winford, and others. *California Government and Politics.* 2nd ed. Englewood Cliffs, New Jersey, Prentice-Hall, 1960. $2.95.

Cutter, Donald C. *Malaspina in California.* San Francisco, John Howell–Books, 1960. $17.50. (Reviewed in this issue.)

Deane, Dorothy Newell. *Sierra Railway.* Berkeley, Howell-North, 1960. $6.00. (To be reviewed.)

Duffus, R. L. *The Tower of Jewels: Memories of San Francisco.* New York, W. W. Norton & Company, Inc., 1960. $3.95. (To be reviewed.)

Fallberg, Carl. *Fiddletown & Copperopolis: The Life and Times of an Uncommon Carrier.* Forward by Lucius Beebe. Reseda, California, Hungerford Press, 1960. $7.95.

Forbes, Jack D. *Apache, Navaho and Spaniard.* Norman, University of Oklahoma Press, 1960. $5.95. (To be reviewed.)

Geiger, Maynard. *The Sierra Trail in Picture and Story.* Santa Barbara, Franciscan Fathers of California, 1960. $25.00.

Giesler, Jerry. *The Jerry Giesler Story.* New York, Simon and Schuster, 1960. $4.50. (To be reviewed.)

Gilliam, Harold. *The Face of San Francisco.* Photographs by Phil Palmer. New York, Doubleday, 1960. $5.95.

Gilliam, Harold, and Ann. *San Francisco: City at the Golden Gate.* Sketches by Fritz Busse. New York, Arts, Inc., 1959. $3.50.

GLANZ, RUDOLF. *The Jews of California, From the Discovery of Gold Until 1880.* New York, privately printed, 1960. $5.00. (To be reviewed.)

GLOZER, LISELOTTE, and WILLIAM K., comps. *California in the Kitchen: An Essay upon, and a Check List of, California Imprints in the Field of Gastronomy from 1870(?)-1932.* Berkeley, privately printed, 1960. $4.75. (To be reviewed.)

HAFEN, LEROY R., and ANN W. *Frémont's Fourth Expedition: A Documentary Account of the Disaster of 1848-1849.* Glendale, The Arthur H. Clark Company, 1960. $12.00. (To be reviewed.)

HAGER, ANNA MARIE, and EVERETT GORDON. *The Historical Society of Southern California Topical Index of All Published Works—1884-1957.* Los Angeles, The Historical Society of Southern California, 1959. $15.00. (To be reviewed.)

HARDING, S. T. *Water in California.* Palo Alto, N-P Publications, 1960. $5.50.

HARRIS, BENJAMIN BUTLER. *The Gila Trail: The Texas Argonauts and the California Gold Rush.* Edited and annotated by Richard H. Dillon. Norman, University of Oklahoma Press, 1960. $4.00. (To be reviewed.)

HEARD, JOSEPH NORMAN. *Bookman's Guide to Americana.* 2nd ed. New York, Scarecrow Press, 1960. $9.50.

HOWARD, ROBERT WEST. *Hoofbeats of Destiny: The Story of the Pony Express' Critical Role in Holding the West "for the Union"*... New York, New American Library, 1960. $0.50.

HUBBARD, PAUL B., comp. *Carlock Memories.* Privately printed, 1960. $1.50.

HURD, EDITH THACHER. *The Golden Hind.* Illustrated by Leonard Everett Fisher. New York, Thomas Y. Crowell, 1960. $2.50.

JORDAN-SMITH, PAUL. *The Road I Came: Some Recollections and Reflections Concerning Changes in American Life and Manners Since 1890.* Caldwell, Idaho, Caxton Printers, 1960. $6.50.

KIBBY, LEO P. *Book Review Reference for a Decade of Civil War Books, 1950-1960.* San Jose, Spartan Bookstore (San Jose State College), 1961. $3.85.

KIRKER, HAROLD. *California's Architectural Frontier, Style and Tradition in the Nineteenth Century.* San Marino, The Huntington Library, 1960. $7.50.

The Laws of Burgos of 1512-1513. Edited and translated by Lesley Byrd Simpson. San Francisco, John Howell-Books, 1960. $8.50. (Reviewed in this issue.)

LOCKWOOD, CHARLES A., and HANS CHRISTIAN ADAMSON. *Tragedy at Honda.* Foreword by C. W. Nimitz. Philadelphia, Chilton Company, 1960. $4.95.

Los Angeles Memorial Coliseum. Los Angeles, Southern California Committee for the Olympic Games, 1960. Apply.

MCCOLLUM, WILLIAM S. *California As I Saw It.* Edited by Dale L. Morgan. Los Gatos, The Talisman Press, 1960. $6.95. (Reviewed in this issue.)

MCCOY, ESTHER. *Five California Architects.* New York, Reinhold, 1960. $10.00.

MARTIN, DOUGLAS D. *The Lamp in the Desert.* Tucson, University of Arizona Press, 1960. $5.00.

Martínez, Pablo L. *A History of Lower California.* Translated by Ethel Duffy Turner. Mexico, D.F., Editorial Baja California, 1960. $10.00.

Mathison, Richard R. *Faiths, Cults and Sects of America: From Atheism to Zen.* Indianapolis, Bobbs-Merrill, 1960. $5.00.

Melville, John. *Guide to California Wines.* San Carlos, Calif., Nourse, 1960. $4.

The Mohave of the Colorado. The Story of the Mohave Indians of the Colorado River and Their Meetings with the Explorers of the Southwest. Sausalito, California, Pages of History, 1960. $0.50.

Nadeau, Remi. *Los Angeles, from Mission to Modern City.* New York, Longmans, Green and Co., Inc., 1960. $5.95. (To be reviewed.)

Odyssey of the Santa Barbara Kingdoms and 138 Miles North. Monterey, California, Pacific Coast Odyssey Publications, 1960. $1.50.

Perkins, Charles Elliott. *The Pinto Horse.* New York, The Devin-Adair Company, 1960. $4.50.

Pourade, Richard F. *The Explorers. The History of San Diego: Volume One of a Planned Series on the Historic Birthplace of California.* San Diego, Union-Tribune Publishing Company, 1960. $9.50.

Putnam, William Clement. *Origin of Rock Creek and Owens River Gorges, Mono County, California.* Berkeley, University of California Press, 1960. $2.

Ravenscroft, Ken. *The California Wildlife Guide.* Lancaster, Ohio, Hearthstone House, 1960. $2.00.

Robinson, W. W. *The Story of the Southwest Museum.* Los Angeles, Ward Ritchie Press, 1960. $1.25.

Rojas, Arnold R. *Last of the Vaqueros.* Fresno, California, Academy Library Guild, 1960. $3.75. (Reviewed in this issue.)

Root, Virginia V. *Following the Pot of Gold at Rainbow's End in the Days of 1850.* Edited by Leonore Rowland. Downey, California, Elena Quinn, 1960.

Rudkin, Charles N., comp. *Early California Travels Series: A Chronological Summary, Index and Descriptive List.* Los Angeles, Glen Dawson, 1961. $10.

Saund, D. S. *Congressman from India.* New York, E. P. Dutton & Co., 1960. $3.50.

Shumway, Nina Paul. *Your Desert and Mine.* Introduction by Harold O. Weight. Los Angeles, Westernlore Press, 1960. $6.75.

Tompkins, Walker A. *Santa Barbara's Royal Rancho: The Fabulous History of Los Dos Pueblos.* Berkeley, Howell-North, 1960. $6.00.

Wampler, Joseph, and Weldon Heald. *High Sierra Mountain Wonderland.* Berkeley, privately printed, 1960. $2.00.

Wright, George F., ed. *History of Sacramento County, California.* Facsimile reprint of Thompson and West's 1880 edition, with new introduction by Allan R. Ottley. Berkeley, Howell-North, 1960. $17.50.

Book of Remembrance

On view in the Society's library is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund. Below are names that have been inscribed for 1960 and 1961.

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In Memoriam

HARRY H. FAIR

By the sudden death of Harry H. Fair at the Franklin Hospital July 8, 1960, following a heart attack, San Francisco lost one of its most resourceful and active adopted sons.

Harry Heasley Fair was born September 17, 1884, in Oil City, Pennsylvania. His father was Henry Harrison Fair, whose forebearers were Pennsylvania farmers. His mother, Augusta Rogers, who survives him at the age of 102, was the daughter of Ambler J. Rogers, of English descent. According to family tradition the name Fair was originally "Faire," and the first American ancestor who bore that name was a lieutenant in Lafayette's forces.

Upon graduation from high school, Harry Fair went to Pittsburgh where he became secretary of the Standard Spring Company. Later he decided to go to the West Coast and arrived at San Francisco in 1912 with a letter of introduction to Frank B. Anderson, then president of the Bank of California, who in turn introduced him to Cyrus Pierce, a stock and bond broker, with whom he later became associated in business.

In 1916 Harry Fair married Charlotte Marjorie Mhoon, daughter of Major John Bell Mhoon and Charlotte Miller Mhoon. They lived in Oakland until they established their permanent home in Piedmont in 1923.

By 1921 Harry Fair had become vice-president of Pierce, Fair and Company and was a director of Albers Milling Company, C. L. Best Tractor Company, and Goodyear Tire and Rubber Company. In 1928 he bought Pierce's interest in their firm but retained the name, and in 1933 he liquidated the firm of Pierce, Fair and Company and retired from the securities business.

Among the business organizations his firm helped to finance, the most notable was the Caterpillar Tractor Company which he formed in 1925 by merging the C. L. Best Gas Tractor Company of San Leandro and the Holt Manufacturing Company of Stockton. He served on the board of directors of the new company from the time it was formed until his retirement in 1956 and was its chairman from 1951 to 1954. The location of the expanding manufacturing operations of the company was moved to Peoria, Illinois, while retaining the plant at San Leandro. Its operations and markets, however, have now become international in scope.

The self-track-laying principle for traction, "Caterpillar," revolutionized the application of motor-powered traction for many purposes. Benjamin Holt of Stockton designed the first Caterpillar tractor in 1904 to pull farming equipment, and the principle was adopted for tanks in World War I. In World War II greatly improved Caterpillar-tread tanks and vehicles did effective service, especially in leading landing attacks against Japanese forces on the many beaches of the Pacific Islands.

Harry Fair was active in civic and political affairs. He served on the Piedmont Board of Education from 1933 to 1938 and was regional director of the War Production Board during World War II. He was a member of the Pacific Union Club, being its president in 1959, and a patron member of the California Historical Society. He was always generous in his contributions to many charitable and other worthy causes. Personally, and in his relations with business organizations, one of his most outstanding characteristics was his absolute integrity. Among his recreational interests were tennis, golf, riding, and, above all, love for the great outdoors, which involved many pack trips into the High Sierra for hunting and fishing and twice to the wilds of far away Yukon Territory in Canada. In all of these varied activities his wife participated.

Besides his wife and mother he is survived by a son, Harry Mhoon Fair of Piedmont; two daughters, Charlotte Rieger of Los Gatos and Ann Roelfsema of Long Beach; a brother, Albert Ambler Fair of Piedmont; a sister, Mary Augusta Fair, now Mrs. Paul S. Marrin of San Rafael, and nine grandchildren.

WALTER A. STARR

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The California Historical Society *Quarterly*

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By ROBERT HAMMOND

California, *Training Ground for Spanish Naval Heroes*
By DONALD C. CUTTER

Peter H. Burnett
and the Provisional Government Movement
By WILLIAM E. FRANKLIN

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Edited by JOHN R. DUNBAR

JUNE 1961

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Historical Aspects of Tobacco Culture in California

By ROBERT HAMMOND

TOBACCO is native to California. It was used by the Indians prior to the arrival of the Spaniards. However, the varieties of native tobacco—*Nicotiana attenuata*, *Nicotiana trigonophylla*, and *Nicotiana quadravalvis*—cultivated before the coming of the white man by some tribes in northern California and in the Colorado River are quite harsh and toxic, and have never been grown commercially.[1]

The introduction of the most commonly used varieties of *Nicotiana tabacum*, native to South America, Mexico, and the West Indies,[2] into California is shrouded in the past with apparently no accounts available as to its first introduction to the state. A check of the lists of products raised by the mission system of Spanish California fails to offer any clue as to production of tobacco. It is entirely possible that it was grown in spite of the monopoly regulations restricting the growth and distribution of the weed. Father Engelhardt says:

> ... only such staples are enumerated on which royal decrees demanded circumstantial reports. Hence we have no statistical information regarding the products of the workshops, vineyards, and orchards; but, as many thousand Indians made their homes with the missionaries, and almost everything they wore, used, consumed, or exchanged for merchandise was manufactured or produced at the missions, readers acquainted with public industrial or agricultural institutions may infer what must have been the life at the Indian training and agricultural schools under the supervision of the two missionaries in charge.[3]

ROBERT HAMMOND, a graduate student, delivered this paper at the recent Regional Meeting of the Southern California Chapters of *Phi Alpha Theta* (the National Honorary Historical Society).

The California Historical Society, as part of its program of stimulating interest and scholarship in California history among secondary and collegiate level students, offered to publish the outstanding paper presented in this field.

One of the earliest references to tobacco growing is a wisp of evidence apparently concerning the late Spanish period. It is contained in José de Jesús Vallejo's remembrance of California. He states that when he was a young man, the commerce of California was limited to the exportation of tallow, grease, hides, oil, wheat, beans, honey, dry figs, wool, cotton, and tobacco. Referring to tobacco he says:

> The quantity of tobacco raised was so large that it is not possible to form any idea of it. It suffices to state that every family of Indians planted in tobacco a certain piece of land for their own consumption. I remember one occasion of the burning up of a deposit of dry tobacco owned by some Bologones Indians dwelling near San José Mission. The other inhabitants had to quit their lodges and remain absent from the locality during several days, because the odor of the burnt tobacco was so powerful that it made all persons who approached the burnt spot, sneeze.[4]

Page 2 of this same reference states Vallejo was born January 12, 1798; thus he possibly was referring to a period around 1820.

In the Mexican period an item of interest concerning the raising of tobacco is a Mexican law which went into effect January 1, 1830. This law stated that all of the citizens of the Mexican Republic were free to have fields of tobacco in places that suited them, and that the object of this law was that the public should benefit completely by the extinction of the monopoly.[5]

Although Californians were free to grow tobacco from this time on, only a few references are to be found concerning tobacco culture. Eldredge says that "By the year 1834 the production of the missions alone included grain, beans, wine, brandy, olive oil, cotton, hemp, tobacco, oranges, figs, and other fruits."[6] Whether credence can be given to this reference appears to be open to question since no authority is given as to the source of this information.

For the year 1841, three references are available. Eugène Duflot de Mofras, in his inspection of the lands and missions of California in 1841, was aware of the cultivation of tobacco. He states: "The cultivation of cotton, hemp, flax, and tobacco, which was so successful, leads to the belief that in the future these products will have an established place among exports."[7] Bancroft says:

> During the last 4 years of Ross' existence the following produce of the Colony itself was shiped [sic] to N. Archangel.

Wheat	9,918	pounds
Hardbread	100	"
Barley	939	"
Rye	20	"
Peas	243	"
Buckwheat	246	"
Fasoli	109	"
Maize	38	"
Tobacco	4½	"

and a small quantity of flax, and hempseed, mustard, and poppy. Translated from Tikmeneff, *Russusko-Amerikanskoi kompanii,* I pp. 353-356.[8]

Vernon Aubrey Neasham, speaking of the exports from Fort Ross, points out that "from 1837 to 1841 . . . a total of about thirty tons of other produce was exported. Of this, barley, rye, peas, buckwheat, beans, corn, tobacco, and dried bread formed the greater part."[9]

Another allusion to tobacco growing during the Mexican period occurs in the Sacramento *Daily Union:* "An old Spaniard who has lived many years in this country, informs us that nearly 12 years ago he planted some tobacco seed near Monterey . . ."[10] According to the *Daily Union* of May 18, 1855, this planting perhaps occurred in 1843. And another article appearing in the *Daily Alta California* in 1854 stated that "in '49 Capt. Weber succeeded in raising it."[11]

Not until the 1850's does one find more than passing references to tobacco culture. Early in the fifties the *Alta California* tells of a certain Mr. Lindberg who lived on Wood's Creek within half a mile of Sonora where he had five or six acres of tobacco growing, "equal in every respect to the choicest plants in Virginia."[12] This tobacco was exhibited at the agricultural exhibition in San Francisco where it was judged to be of good quality. The hope was entertained that this success would be followed with further trials on a larger scale.[13] In 1854 it was reported:

> A gentleman who has had long experience in Cuba and Central America in the tobacco plantations, and who appears thoroughly to understand its cultivation, is this year making another experiment in San Joaquin county, and is confident of success. We have seen the plants, and must confess that they present a very healthy appearance. He promises to have cigars in the market within six months, of a quality equal to the best Havana. The gentleman alluded to thinks that ultimately California will be a great tobacco-growing country, even allowing that the price of labor remain at its present high figure.[14]

These scattered endeavors apparently stimulated additional interest in the possibilities of tobacco culture elsewhere in the state. From near the Mexican border came a report of very choice tobacco growing in the fields of Mr. H. C. Ladd in San Diego.[15] From the northern part of the state one learned: "The culture of this weed has been successfully attempted in Klamath County. This is the highest latitude (42) we remember ever to have heard of the raising of this narcotic on the Pacific coast. The tobacco in question was grown on Mr. Green's farm, some 18 miles above Happy Camp."[16] And a few rolls of native California tobacco, grown in Los Angeles County, were forwarded to the editors of the *Alta California:*

> It is pronounced by several CONNOISSEURS about us as fully equal to the imported chewing tobacco. It is moist, sweet, but of positive flavor, and sends forth exceedingly delightful aroma. These specimens were raised by Mr. Marshall, and prepared for exhibition at the late Agricultural Fair. The culture of this narcotic in its infancy, promises to be now vastly extended in the course of a few years. The soil and climate of the Sacramento Valley, as well as that of the Southern counties, is admirably adapted to the growth of tobacco, and the experiment has already been tried with gratifying success.[17]

Articles on tobacco culture in the fifties and sixties reflect a growing enthusiasm. Farmers were urged to try the crops. Praise was heaped upon California's climate and soil as being far superior to that of any other state for the production of tobacco.

In a speech delivered by the president of the State Agricultural Fair, October 7, 1856, at San Jose, he stated:

> In the successful cultivation of tobacco, cotton, rice, and sugar, our experiments thus far have been limited. But such as they are, they leave no room to doubt, that, in a short time, we shall be able to supply our own demand, besides furnishing a surplus for export.[18]

A statement in the *Alta California* was encouraging. It noted:

> We can raise the very best of tobacco.... No people in the world use half so much, either in smoking or chewing, as the Californians; none pay so dearly for the luxury ... If we raised the article at home, our own farmers and manufacturers would get the money which it costs, and enlarge the field just so much for our home labor.[19]

And the Sacramento *Daily Union* editorialized that California could produce varieties equal "from the celebrated qualities of the high priced Shiraz of Persia ... to that of the ordinary leaf of Kentucky, Missouri and Virginia."[20] Six years later the feeling of this paper was that cotton probably would not make a paying crop, but as for tobacco, they entertained no doubts. Unlike cotton, it didn't take twelve months of labor before it was prepared for market.[21]

Such optimistic statements as these, and others, were not without influence upon the farmers of the state, and the success of their ventures was written up in glowing terms.[22]

The Sacramento *Daily Union* printed several articles describing tobacco plantings. One told of a ten-acre planting in Alameda County;[23] another, of 3,000 plants raised in San Joaquin County by a farmer who wanted to prove California was not behind in the quality of this "luscious weed."[24] A third article described the superb crop of tobacco raised and cured in Mountain View, San Mateo County, which crop netted the highest price paid in San Francisco for the best imported quality of leaf tobacco—eighteen cents per pound.[25]

With the outbreak of the Civil War, and its depressant effects upon the tobacco industry in the eastern United States, California farmers were further induced to plant the crop. The *Alta California*, commenting on the effects of the war, said that the principal tobacco growing states of the Republic were Kentucky, Missouri, Virginia, and Tennessee, and that these states in consquence of the war were in a very unsettled condition. It called attention to the fact that if the rebellion were crushed and Jefferson Davis hanged, a year or more would elapse before perfect quiet would be secured. Tobacco culture, of necessity, must be very much neglected with a consequent falling off in supply and a sharp rise in price which was bound to go higher before the war was over. The price rise, in fact, had already begun:

> What, then is to prevent our agriculturists from going into the tobacco business on an extensive scale? We have the three requisites to enable us to become a tobacco exporting State—the climate, soil, and capital. About a market there need be no trouble . . . It is possible for California, by one bound, to reach the front rank among the tobacco exporting States.[26]

Somewhat similar views were expressed by the *Daily Union.* This paper felt that even if the war did not greatly reduce the production, the blockade would almost surely prevent its finding its way to market. Thus, every pound of tobacco raised in California should sell at a handsome price. It stressed the need for a diversity of interests and labor in the state, and felt that every new branch of industry would add demands for labor with a consequent increase in the taxable and real property of her citizens.[27]

Thus, due to favorable publicity, a handful of successful experiments, and a good economic atmosphere tobacco culture continued its spread throughout the state. During the 1860's there were optimistic reports of its production from the counties of Sacramento, Tehama, Yolo,[28] Contra Costa, [29] Yuba,[30] Napa,[31] Sonoma,[32] Shasta, Santa Cruz,[33] Stanislaus, Merced, Tulare, Alameda, San Mateo, Santa Clara, Monterey, and Santa Barbara.[34]

The success attained in the early efforts apparently interested the state legislature, for in 1862 a generous bounty law was passed for production of tobacco. For the first 200 bales of tobacco of 100 pounds each, there was to be paid $300. For the same quantity produced the first, second, and third succeeding years, $250, $200, and $150 respectively was to be paid. For the first 1,000 bales of 100 pounds each, a bounty of $1,000 was to be paid. Similar provisions were established for manufactured tobacco that was native grown and processed in the state.[35] This law undoubtedly had a beneficial effect upon the spread of tobacco culture throughout the state in the latter sixties.

Although much activity in tobacco culture seems to be indicated here, the census figures for the period under consideration are quite conservative. Officially, no tobacco had been raised in 1840. There had been 1,000 pounds for 1850; 3,150 pounds for 1860; and 63,809 pounds for 1870.[36]

Interest in tobacco culture increased. The possibility of profiting from this crop was even used as an inducement to residents of Holland to emigrate to California by the Commissioner of the National General Land Office, Washington, D. C.[37]

Those who wrote about tobacco culture often approached the lyrical in extolling virtues of soil and climate. Another advantage mentioned was the absence of the tobacco worm, the bane of the tobacco-producing areas of the eastern United States.[38]

The labor situation was considered to be quite advantageous to the California farmer as he could hire Chinese laborers more cheaply than a southern planter could keep a slave.[39]

Another advantage over the one-crop-per-year South was that many California farmers could produce three crops per year,[40] and in the Santa Clara Valley four crops had been harvested.[41]

There were some problems however—one being that the California climate was dryer than the southern one and required different methods to be used. This was not unsolvable, but it did involve re-education of the farmer.[42] Another problem was the prior fame and status of eastern tobacco which often resulted in California tobacco being shipped to the East and then reshipped to California, carrying, for example, the label "genuine Kentucky leaf."[43]

The greatest problem in California was that involving the curing process. Solving of this was undoubtedly the greatest single factor paving the way for the tobacco boom. It was accomplished through the efforts of Mr. James D. Culp,[44] who patented a curing process[45] which not only overcame climatic difficulties but imparted a superior, uniform quality to the leaf, diminishing expense of curing and saving more tobacco.[46] Culp built several factories near Gilroy, and in the spring of 1872 he organized a company which he named the American Tobacco Company.[47] In October, 1872, the Consolidated Tobacco Company was organized under Culp; it had a factory in Gilroy and a plantation in San Felipe.[48] Described as the largest, except one, in the United States, it employed 700 hands with a payroll of $30,000 per month in 1875.[49] It soon had 1,000 acres under cultivation and announced its purpose of driving Cuban tobacco and Havana cigars from the American market.[50]

The activity centering around Culp and his associates stimulated a large cultivation in other counties, and production greatly increased. Other companies were organized, but they all received a serious setback when the Consolidated Tobacco Company failed. Hittell's explanation for this failure was that the company had

> ... rushed into business with excessive confidence; and by inexperience and incompetency in cultivation and curing, by mistakes in giving credit for its products, and, perhaps, by defects of its processes, lost $1,000,000.[51]

After the fiasco of the late 1870's production of tobacco fell off to a mere token of its former standing. Never again did its culture reach such proportions as those obtained in the seventies, except for a brief period during World War I, when the census report indicates that some 489,941 pounds of tobacco were raised and marketed from some 45 farms in the state.[52]

The history of tobacco in the state from 1880 to the present is almost exclusively that of scattered individual endeavors. Each has been promoted against the familiar backdrop of sanguine optimism that prevailed in preceding times, composed of a purportedly unusual climate, fertile soil, and sound economic possibilities. However, none of these endeavors caught on for an extended period of time. The most notable early effort was that of the California State Agricultural Society, which, after studying causes of the failure of the tobacco boom, unsuccessfully attempted to revive interest in tobacco culture by issuing information to interested farmers.[53]

From the 1880's and through the 1940's attempts have been made to grow Turkish tobaccos in California. The American Tobacco Company made extensive plantings in Tulare County and placed Greek and Armenian families there. However, this was not financially successful.[54] In 1922 a company was organized which turned out 500,000 cigarettes monthly made from California-grown Turkish tobacco.[55] As late as 1948 a promising enterprise was undertaken in Fresno County for the raising and curing of Turkish tobaccos.[56]

For the past fifty years Patton State Hospital in San Bernardino County has been growing tobacco for institution use only.[57]

One may well ask why it is that after such a protracted period of cultivation of tobacco, dating from the Mexican period to present time, tobacco culture has not fared well in California. Basically the answer to this question is a combination of three reasons. First, owing to improper growing methods, to the failure of selecting seed-producing plants, and to poor and incomplete curing and lack of aging, the product offered for sale did not compare favorably with imported tobacco. Second, there has been reluctance on the part of manufacturers of tobacco products, both eastern and western, to use the California tobacco to any great extent.[58] Lastly, even when there has been an adequate supply of superior California-grown tobacco, there has been a price differential between the California product and those from other traditional areas. This has made it unprofitable to continue operations.[59]

Does the crop have a future? Yes, provided that careful attention to details of culture and preliminary curing are followed and that a uniform product can be supplied manufacturers through a cooperatively organized system of standardization.

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California, Training Ground for Spanish Naval Heroes

By Donald C. Cutter

There is a tendency among many California history writers to imagine that local events were more important than they really were, and particularly to suppose that the personages involved were all heroic. Perspective is frequently lost. On the other hand, there are those who feel that local events and individuals were of only local and antiquarian significance. This article intends to demonstrate that among the people who were of importance to the early Spanish period development of California there were a number who became quite notable. Their names are unfamiliar to some; others will recognize them in some sort of local historical context; but a goodly number will find them here presented in a new and different light. They are men who, having played some role in local development of California, went elsewhere to become persons of importance. All were connected with the Spanish naval service, and played their role in California's early story as a result of their connection with the Naval Department of San Blas.

Though enumeration is not intended to rank the men in order of their subsequent importance, perhaps the most interesting was Francisco Antonio Mourelle de la Rua (sometimes erroneously spelled Maurelle). This Galician navigator was active in California and along the west coast of North America during his youth, while serving as a pilot and as a junior officer. At age twenty, after seven years of service in pilotage school in Sevilla and aboard ship, Mourelle arrived in California waters in 1775 as first pilot and second-in-command of the tiny vessel *Sonora.*[1]

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With its commander, Juan Francisco de la Bodega y Quadra, and in consort with the *Santiago* commanded by Lieutenant Bruno de Hezeta, the descendant of the Barons of Mourelle explored the west coast. The tale of Mourelle's activity is found in his journal and in that of Bodega.[2] Among several interesting stops was that at Trinidad Bay in northern California, where the group took formal possession of the area in the name of the King of Spain, Charles III.[3] Continuing northward, in the present state of Washington, seven of the *Sonora* crew members were killed by hostile Indians. This loss of one half of the crew was partially replenished by men from the consort vessel. With ill-fortune prevailing, the senior commander of the exploratory enterprise, Hezeta, wanted to turn back to the south. During a foggy night Bodega and Mourelle premeditatedly allowed their vessel to drift away from the consort so they could continue northward independently. Successful in their aims, the men of the *Sonora* struggled north against prevailing winds and current in an effort to achieve the latitude of 60° required by their orders. The mariners fell two degrees short of the aspired goal, but they strengthened Spain's claim by symbolic acts of sovereignty in present day Canadian and Alaskan waters.[4] The intrepidness of these men is cleary demonstrated by the fact that the epic exploration was carried out with a somewhat reduced and undertrained crew.

From this first experience in Pacific waters a pattern of Mourelle's future activity could be seen. He kept a complete journal in which he demonstrated a keen interest in natural history and particularly in that phase that we now call anthropology. Though his writings demonstrate a lack of formal training, Mourelle made many notes on native customs, and was particularly interested in compiling vocabularies of aboriginal peoples. These interests he would maintain and expand during his subsequent career as a trans-Pacific explorer.[5] Also aboard the *Sonora* Mourelle "carried out the first of the daring feats that brought him immortal fame." For it was Mourelle who was responsible for the scheme of drifting away from the *Santiago* and its cautious commander, "asserting that he would rather throw himself into the sea than to return to port without fulfilling his mission."[6] Subsisting on rice, beans, bread, and lard for a period of ten months, and almost foundering in a storm on September 1, 1775, the brave young mariners wrote a brilliant chapter in Spanish maritime history. It is the more remarkable when one considers that it was done aboard a vessel of thirty tons burden, one so small that they could not stand below decks but merely crawled in for shelter. After they had been given up as lost, the tiny vessel returned with its officers and men to Monterey.[7] Mourelle's diary of this trip found an interested English translator in the Honorable Daines Barrington, whose publication of the journal in his *Miscellanies* gave the story currency even during Mourelle's lifetime.[8]

In March of 1776 Mourelle received his first assignment to command in the Pacific when he was entrusted with the packet ship *Príncipe*. He sailed the vessel with supplies from San Blas to the Presidio of San Diego.[9] In this interval between his exploration and this journey, he had been permitted to join the Royal Navy with a commission as ensign, whereas previously he had been in the corps of pilots, a less prestigious position. His new status made him a full-fledged naval officer, and his first assignment found him engaged in that activity that kept California on a solid footing during its precarious years—the San Blas supply activity.

In 1779 Mourelle again sailed as second-in-command to Bodega,[10] and on this occasion the pair went north as far as 61° north latitude. Again Mourelle kept a diary which clearly demonstrates his continued interest in natural history. He also drew a series of maps, a specialty for which he would later have considerable fame.

Mourelle's California interest was temporarily interrupted by a trip to Manila in the Philippine Islands. Upon his return he visited a number of the islands of the South Pacific. His journal and maps of this expedition should rank him along with Captains Cook, Bougainville, Malaspina, and La Pérouse in Pacific exploration. Particularly interesting are his ethnographic and linguistic compilations from Vita Levu in the Tonga Islands group. A great deal of Mourelle's historical prominence rests upon this extended exploratory endeavor of 1780-81.[11] It was asserted that "he had undertaken no campaign nor gone out on any expedition in which his merit has not shone forth, as is testified to by the reports of Viceroys Bucareli and Mayorga."[12]

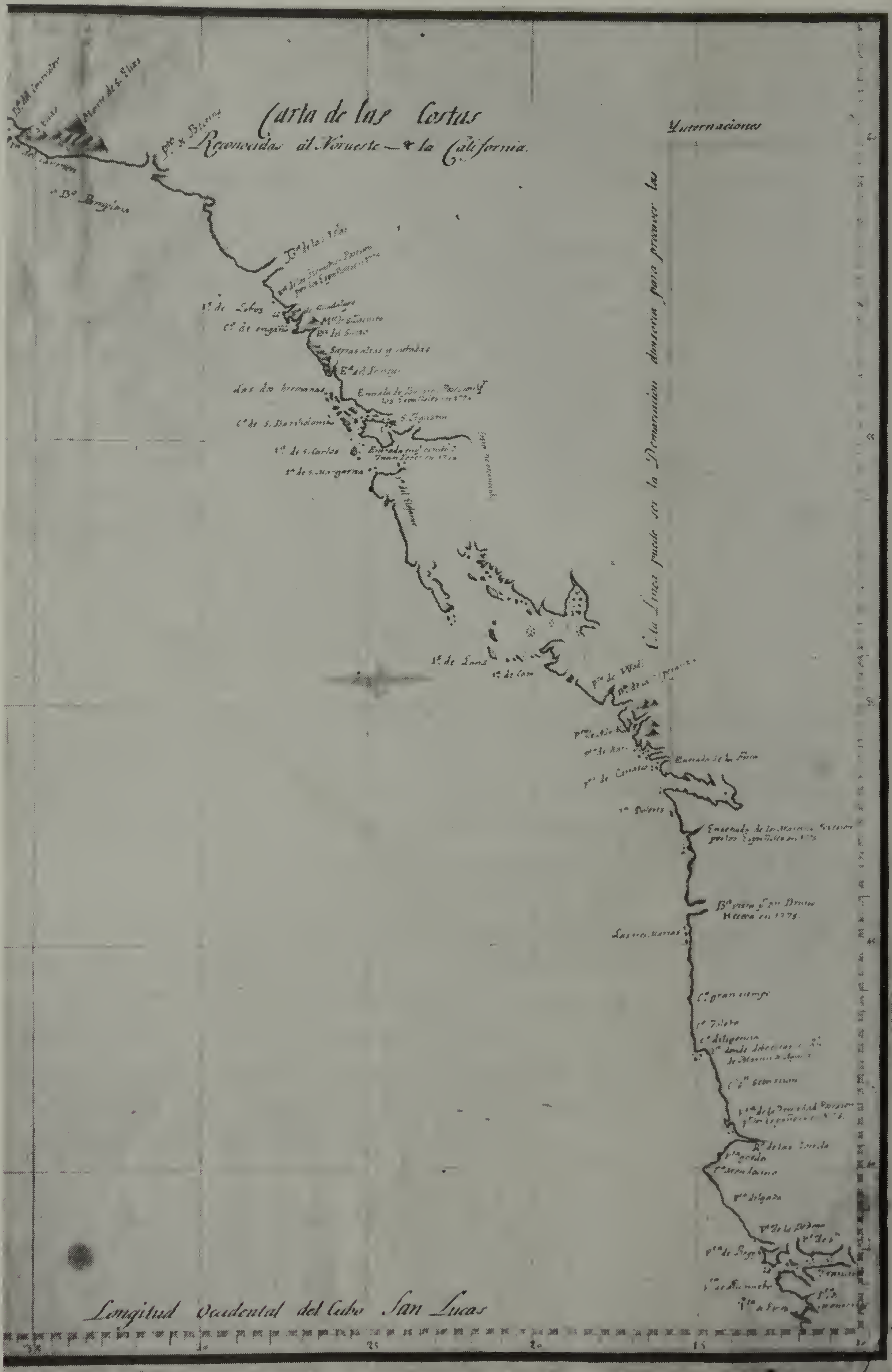
Several additional trips to Manila and to Canton, and a short tour of duty as Commandant of the Department of San Blas followed. In

September, 1791, Mourelle was commissioned by order of Viceroy Revilla Gigedo to command an exploratory ship, with plans for an extended reconnaissance of the area north of California. At the last minute, due in part to the illness of Mourelle, and also to the insistence of world-explorer Alejandro Malaspina that command of the sortie go to one of his own men, the intrepid Galician was reassigned.

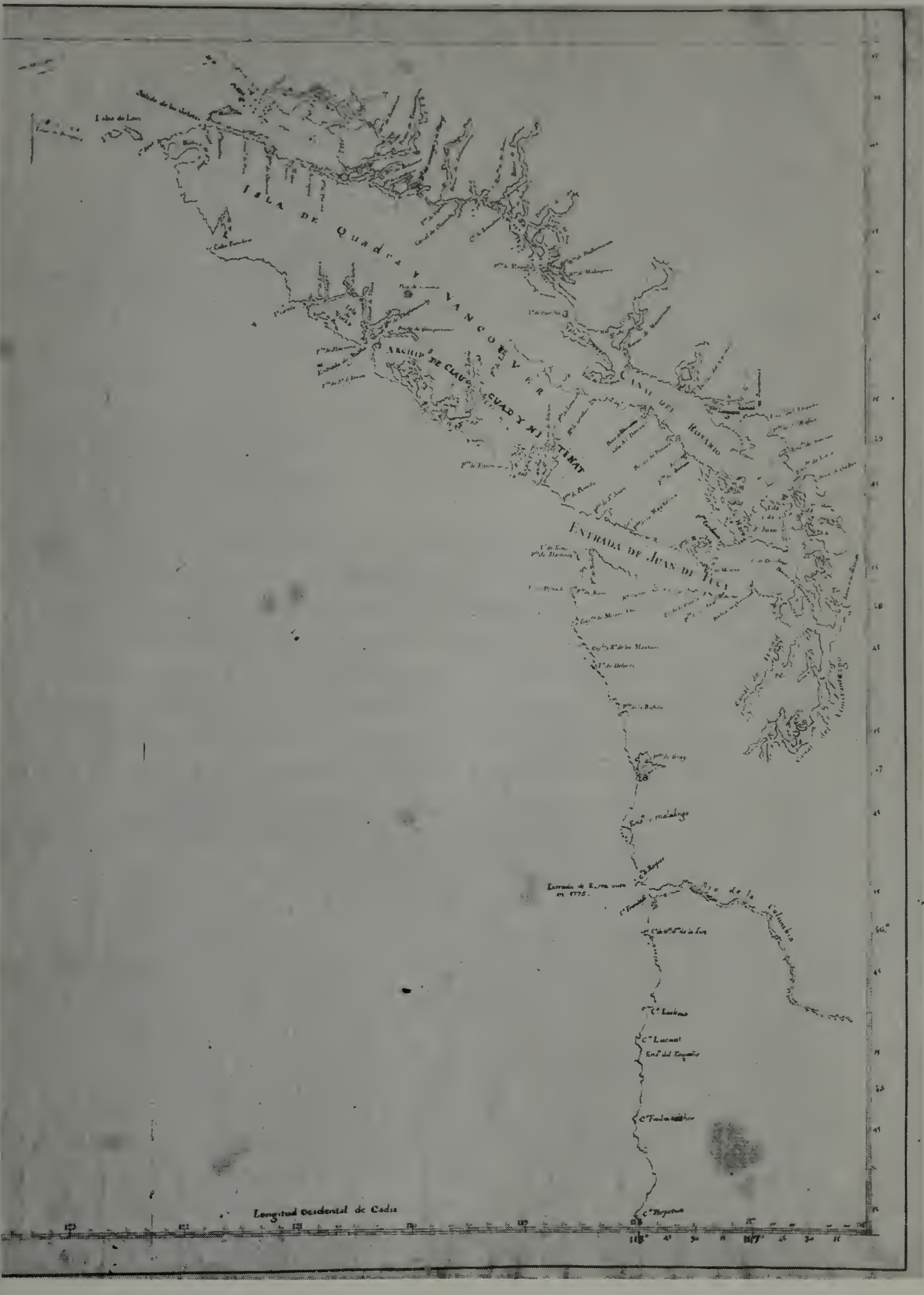
In his new billet Mourelle was close to Pacific Coast activity, for he was appointed as special secretary to the Viceroy and was given the duty of collecting and editing materials relating to Spanish penetration to the area of California and northward. This special assignment resulted from concern over the conflict of interests between Spain and England over sovereignty in the Pacific Northwest, which came to a head in the Nootka Sound Controversy. Mourelle's unpublished literary activity, stemming from this duty, included a work "Diarios de los descubrimientos hechos por los españoles en la costa de América" and a description of "Las minas de Guanajuato." His advice was also asked concerning ship building, since he was considered an authority in that branch of naval activity.

In 1792, upon the death of California Governor José Antonio Roméu, Francisco Antonio Mourelle, at the age of thirty-seven, applied to the Viceroy for the position of Governor of California. Mourelle supported his application with an outline of services rendered; he advanced as qualifications the experience of a nautical nature which would lead to the exploration of California's interior valley by means of small boats, and the advantage of a naval governor in cleaning the coasts of the illegal fur traders, this being the first notice that we have of this clandestine activity.[13] The two other candidates for the post were Lieutenant Colonel Pedro Alberni, of the Catalonian Volunteers, and Diego Joseph Borica y Retegui, with the latter being the preferred candidate. Since Mourelle's request was not granted, he soon asked for reassignment, and a year later he was sent home to Galicia, arriving at La Coruña in July, 1793.[14]

In succeeding years Mourelle served aboard ships of the line under such famous admirals as Lángara and Mazarredo, and in battle against both the French and English. In combat with the latter he won special commendation for gallantry while aboard the *Trinidad*.


Carta de las Costas Reconocidas al Norueste y la California.
Internaciones
Esta Linea puede ser la Demarcacion divisoria para proveer las
Las dos hermanas
Ensenada de Bucareli
Longitud Occidental del Cabo San Lucas

Compendium of Spanish Discoveries Compiled for the Negotiations of the Nootka Sound Controversy. It Was Probably Made by Mourelle. *Courtesy of Museo Naval, Madrid.*


Isla de Quadra y Vancouver
Archip.º de Clayocuad y Nitinat
Canal del Rosario
Entrada de Juan de Fuca
Rio de la Columbia
Entrada de Ezeta vista en 1775.
C. Lookout
C. Perpetua
Longitud Occidental de Cadiz

Manuscript Map of the Explorations by Alcalá Galiano and Valdés during their Expedition of 1792 aboard the *Sutil* and *Mexicana*.
Courtesy of the Museo Naval, Madrid.

In April, 1797, Mourelle rejoined his old commander of California days, Don Bruno de Hezeta, at the naval base at Cádiz, where the latter was one of the top officers. Mourelle was next assigned to command the gunboats of Algeciras, and for three years was kept fully busy engaging in forty combats against the British, even scaling the walls of Gibraltar. A half dozen feats of great valor were credited to Mourelle during this period, and he was advanced to *capitán* de *navió* (four stripes).

Mourelle later served in Málaga, then fought against the French, and in 1809 was made Commandant of the Cádiz Naval Base. Both there and aboard ship he directed things well and was soon made a flag officer in 1811. His next glory was that of repulsing an invasion of the French at Puerto de Santa María; but with the war concluded Mourelle took a semi-retired position as *vocal* of the Council of Generals of the Port of Santa María.

The times would admit of no permanent retirement, and Mourelle was soon called back into active service. This time he was put in charge as commanding general of the *Gran expedición de ultramar.* He made ready an army of 25,000 men and prepared the convoy to transport his forces overseas to Argentina in an effort to stifle the Greater American Revolution. The expedition to put down the insurgents never sailed; internal problems, coupled with continued resistence, was bringing an end to the vast Spanish Empire. Francisco Antonio Mourelle did not see the end; he was taken by death while serving as chief of squadron. He had come a long way from the place of his birth in the humble village of San Adrián de Corme "on the solitary and stormy coast of the ancient province of Santiago where the ocean's roar drowns the murmur of the famous Allones River," a long way from the coasts of California; he was the much decorated naval hero—Knight of the Order of Santiago, recipient of the Great Cross of Hermenegildo, decorated with the marine laurel wreath.

Mourelle's final days had been unhappy because of the necessity of surrendering his command to revolutionaries. But today he is one of the most featured figures in the Spanish Naval Museum. His remains are in the Pantheon of Illustrious Mariners in San Fernando, near Cádiz, where his body lies under the epitaph:

> Here lies the Most Excellent Francisco Antonio Mourelle, Chief of Squadron of

> the Royal Armada, skilled mariner, valorous soldier; he made voyages of discovery, travelled and charted new courses; he died the 24th of May, 1820 at the age of 65 years.[15]

Truly, this was a notable "Californian."

Bruno de Hezeta y Dudagoitia,[16] commander of the *Santiago* on the previously related journey of exploration to the Northwest Coast in 1775, is another early California figure who went elsewhere and became a man of note. Hezeta's role in California development concerns itself with the early period. In 1774 he was given command of the Spanish naval base at San Blas, Nayarit, where he placed that institution on a solid footing for the naval support of the newly-born colony of Alta California. Hezeta established the arsenal, trained men, and made equipment available. Among his tasks was that of acquiring data concerning the northern waters, of collecting sailing information, and of drafting maps. His northern trip in 1775 has already been mentioned. He was not as daring as Mourelle and Bodega, but his acts of possession along the Pacific Coast of North America were the basis for Spanish claim to the area as far north as the State of Washington. Hezeta was the initial discoverer of the mouth of the Columbia River, which was called the Entrada de Hezeta until Grey's entrance altered the name.

Upon his return from the north in 1775, Hezeta attempted an entry into San Francisco Bay through the Golden Gate, but failed. Instead, setting out from Monterey overland, Hezeta and his small party viewed the mighty bay from the San Francisco Peninsula. Historical markers commemorate Hezeta's activity, as do several prominent geographical place names.

Bruno de Hezeta was born in Bilbao about 1744, and entered service as a midshipman in 1758. His California years of service saw him elevated to lieutenant in 1774, and to commander in 1776. With Francisco Antonio Mourelle as second-in-command, Hezeta made a trip to the Philippines in 1780-81,[17] but his constant complaint was that away from Spain there was no opportunity for advancement "so far from the honors of the service and of promotion."[18] After repeated petition he was elevated to captain and finally transferred to Havana. Shortly thereafter he returned to Spain.

The war with France brought action and promotion, as Hezeta became brigadier in 1794, chief of squadron in 1795,[19] and finally lieutenant general in 1802. His commands included the naval base at Rozas, the naval base at Algeciras, and that of Cádiz during the French war. He had fifty-two battles to his credit when he was retired. But the English war brought him back into action at his old post at Algeciras, but the effort was too much. He was soon transferred to Málaga where he died in 1807 at the age of 56.[20] In his promotion he succeeded in passing his brother, Vicente de Hezeta, who was some nine years his senior. Both the Hezeta brothers reached the rank of lieutenant general.[21]

Another of the early participants in California's Spanish period history was Juan Francisco de la Bodega y Quadra Mollinedo, a lesser noble who was born in Lima, Perú.[22] Though the Quadra portion of his name was much used by Bodega, and almost exclusively employed by the British, it is perhaps not technically correct that it should be used. Juan Francisco's parents were Tomás de la Bodega y de las Llanas, and Francisca de Mollinedo y Losada, but by arrangement with a maternal relative who was his sponsor in Perú, Tomás de la Bodega assumed a second last name in honor of Antonio de la Quadra. Thus, correctly speaking, one should refer to the early California mariner as Bodega y Quadra, and if one or the other of the names is to be underplayed, it ought to be Quadra.

Juan de la Bodega y Quadra's family was of Basque origin, the Quadra strain being of the Marquisate of Villarias. The family, having come to the Americas, made Lima their home, and during his naval career Juan Francisco was known to have maintained connection with his Peruvian home. Bodega's father was Alcalde *in absentia* of the Valley of Somorrostro in northern Spain, and also served as *Diputado* of the Consulado de Cuzco. He was a minor noble (hidalgo) of Vizcaya in Spain. Bodega had several brothers, Tomás Aniceto, *Doctoral* of the Lima cathedral; José Antonio, a priest; Alberto, resident of Lima, and Manuel Antonio, Doctor of the University of Alcalá of Perú and councillor of the Supreme Council of the Indies.

Juan Francisco was the second son, and at the age of 19 he became a midshipman in the naval service. Though the naval service sheet of Bodega y Quadra has not come to light, it is known that he advanced in the scale of promotion quite rapidly for a man who had been born in the New World. When he joined the Department of San Blas in 1774 he was an ensign. Later that year he was promoted to sublieutenant, and in 1776 to lieutenant. By 1780 he was a commander, and four years later he was captain. At the time of his rather early death at the age of fifty-one in 1794 Bodega y Quadra was Commandant of the Department of San Blas, which post he had held since 1789.

Bodega y Quadra was one of six officers assigned to the Department of San Blas upon its foundation. All were sent from Spain, arriving aboard the storeship *Santa Rita* in August, 1774. The others were the aforementioned Bruno de Hezeta, senior commander, Manual Manrique, Fernando Quirós, Juan de Ayala, and Diego Choquet de Islas.

As a final phase of the epic exploration to the Northwest Coast in 1775, Bodega y Quadra and Mourelle discovered and took possession of Bodega Bay, north of San Francisco, which was named in honor of the commanding officer of the *Sonora.* Praise was heaped upon Bodega y Quadra, a promotion was in order, and his name was preserved for posterity on the California landscape.

Bodega y Quadra was soon sent to Peru, accompanied by José Cañizares, to acquire additional tonnage for the Department of San Blas. En route, and while in Peru, Bodega and his aide made military and nautical investigations of various places. Bodega y Quadra purchased and careened the 189-ton frigate *Princesa,* making it ready for use in the northern explorations and in the California supply service. Fourteen months were consumed by this official business in the southern hemisphere.[23]

In 1779 Bodega y Quadra, with Mourelle and Cañizares, made another epic exploration to the north.[24] In 1780 Bodega took temporary command of the Department of San Blas, but eventually was transferred to Havana in readiness for action in the war with England. By the time Bodega y Quadra got to Havana hostilities were over and he was sent to Spain where he spent the subsequent five years. In the interim he was rewarded with the Cross of the (knighthood) Order of Santiago.[25]

Returning to San Blas in 1789, Bodega y Quadra was placed in charge of the Naval Department. In that position, which took on added importance due to Spanish plans for expansion into the Pacific Northwest, Juan Francisco de la Bodega y Quadra reached the height of his political and military responsibility. As naval captain and as Commandant of the Department, he directed the activities of an increasing number of officers and pilots assigned to his command. In the difficulties that arose with England over Spanish claims to ownership of the Northwest Coast, he became the official representative of his nation, charged with the resolution of difficulties at Nootka Sound on Vancouver Island. On two occasions Bodega y Quadra and the English commissioner, Captain George Vancouver, met and found no common ground for solution of the matters of sovereignty and territorial claims to the area. The two naval officers were commissioners of a gentlemanly sort: They agreed to disagree and refer the problem back for further instructions from their respective governments. During these negotiations, rather than suffer through the rigorous winter of the west coast of Vancouver Island, the commissioners spent their time at Monterey, where they enjoyed the advantages and pleasures of California. Off and on, from 1790 to 1794, Bodega was at Nootka, either in charge of the Spanish garrison there, or treating with Vancouver, or engaged in his famous *Expedición de los límites al norte de California.* Juan Francisco de la Bodega y Quadra did not live to see the final settlement of the Nootka Controversy, which went in favor of England and resulted in international recognition of non-Spanish interests in the Pacific Ocean area. In 1794 Bodega died while still commanding the Naval Department of San Blas. Thus, though he was only occasionally in California waters, a great deal of Bodega's naval career was in rather close association with the California picture; but it was elsewhere than in California that he achieved his lasting fame. During his lifetime he was honored by his name being associated with Vancouver and Quadra's Island, but time shortened the term to simply Vancouver Island. He is still commemorated by one of Victoria's main streets—Cuadra [sic] Street. Of noble birth, Bodega y Quadra's advancement was doubtless cut short by his New World birth and his rather premature death.

In briefer manner several other important Spanish maritime figures who played a small role in California will be treated, but whose names are less familiar. Among these are Commander Gonzalo López de Haro, Brigadier Dionisio Alcalá Galiano, and Captain General Cayetano

Valdés, visitors on more than one occasion to the shores of California.[26] Among those who visited but once were Brigadier Alejandro Malaspina, Brigadier Juan Gutíerrez de la Concha,[27] Captain Felipe Bauzá Cañas,[28] Lieutenant General of the Fleet José Bustamante y Guerra,[29] Captain Ciriaco Ceballos,[30] and Lieutênant General José de Espinosa y Tello,[31] all connected with the visit of the Spanish scientific exploring expedition commanded by Malaspina and Bustamante which visited California in 1791.[32]

Of the former group, those of multiple visits to California, Gonzalo López de Haro is known for his cartography of the Pacific Coast and for his several visits as commander of one of the San Blas supply vessels.[33] Though apparently of humble birth, and having entered the service as a common sailor, he rose from the ranks to attain relatively high position and to die a martyr's death in Mexico. His home appears to have been Cádiz in Andalusia. After several years of deck service he entered the pilotage school and remained in the category of pilot for two decades. It was in this employment that his early California service was performed. He was also instrumental in Pacific Northwest Coast exploration, and had a hand in the Spanish foundation at Nootka Sound.[34] In 1797 and in 1801 he carried supplies to California as an officer, his first naval commission dating from June, 1794, when he was appointed ensign. Promotions in 1804, 1805, 1814, and 1818 brought him to the rank of commander. During this period he spent some time doing a topographical map of Louisiana. His later career was crowded with geographic and hydrographic assignments until finally he was taken prisoner by the Mexican insurgents. His death occurred from illness contracted in prison, and was complicated by his advanced age and the rigors of his incarceration in a Puebla prison.

Both Dionisio Alcalá Galiano[35] and Cayetano Valdés y Flores Bazán were members of the Malaspina expedition, which first visited California in 1791. They returned to the scene in 1792 as commanders of the exploratory vessels *Sutil* and *Mexicana*, and spent some time in Monterey. Both later became famous.

Alcalá Galiano was born in Cabra, Córdoba, in 1760. Seventeen years later he became a midshipman and was soon engaged in cartographical work, for which he later gained considerable fame. He spent some time in reconnaissance of the Strait of Magellan, then joined the Malaspina expedition in 1789. His California experience in its totality dates from this visit and that of the following year. Military campaigns and naval commands followed, and fortune favored Alcalá Galiano until the Battle of Trafalgar, in which the mariner gave the last full measure of devotion for his country. In that battle, unsuccessful from the Spanish point of view, while commanding the *Bahama* as Brigadier of the Navy, the career of another "Californian" was cut short at the age of forty-six.[36]

Cayetano Valdés[37] followed in the footsteps of his famous uncle, Minister of Marine Antonio Valdés. Son of an important and well-situated family, Cayetano was born in Sevilla in 1767. At the age of thirteen the youthful Valdés entered service as a midshipman. At the age of twenty-five he was given co-command with Alcalá Galiano of an important exploring expedition, that of the *Sutil* and *Mexicana* to the Northwest Coast as mentioned previously. Success and promotion followed in the wake of European hostilities which kept Spain at war: for by the time he was thirty-eight years old Valdés was chief of squadron; four years later he was lieutenant general; and in 1812 he was appointed Governor, Captain General, and *Gefe-Político* of Cádiz. The Napoleonic invasion of Spain resulted in ten years of exile for Valdés in England, but his return was rewarded by successive appointments as Captain General of Cádiz and as Captain General of the Spanish Navy, the highest possible naval post. His honors included those of the Great Crosses of San Fernando and San Hermenegildo and that of *Justicia* of the Order of San Juan. In 1835 he died, with burial given to him in the Pantheon of Illustrious Mariners.

In comparison, the Spanish military figures who were assigned to California customarily served out their days there, and a few went on to become famous in other portions of the empire.[38] The other elements of California society seldom rose above the level of the common rank and file. In the Spanish Navy, however, there were a number of men who served in California and who went from there to win additional laurels. Though none of these distinguished mariners would lay claim to being full-time Californians, it is not out of place that California should recognize the merit of these illustrious navigators who sailed its coasts, visited its harbors, and profited from their California experiences.

NOTES

1. "Relación de los méritos y servicios del Capitán de Navío Francisco Maurelle [sic]" in Museo Naval, Tomo 999, entitled Notas de Don Francisco Mourelle. Museo Naval hereinafter cited as MN: Mourelle was *pilotín* to 1773, 2nd pilot to 1775, 1st pilot to 1776, at which time he entered commissioned ranks. He served aboard the vessels *Catalina, Dolores,* and *Santa Rita.* During this early period he made trips to Brazil, Caracas, Havana, Puerto Rico, Cumuná, Trinidad, and Vera Cruz. *See also* Primera relación de los meritos y servicios que el Teniente de Navío . . . Francisco Antonio Mourelle . . . in Archivo General de la Nación (Mexico), Californias 47. Hereinafter this archive will be cited A.G.N.

2. Various copies of both journals exist. Mourelle, Navegación hecha por el piloto segundo de la armada Dn. Franco Antonio Maurelle en la Goleta de S. M. nombrada la Sonora . . . año de 1775 in Archivo General de Indias, Estado 38. Hereinafter this archive will be cited A.G.I.

3. The activity at Trinidad Bay is treated in Robert F. Heizer and John E. Mills, *The Four Ages of Tsurai* (Berkeley, 1952), pp. 19-60.

4. Copies of the acts of possession and of corresponding maps are to be found in A.G.I., Estado 38.

5. Mourelle, Navegación hecha por el Alferez de Navío de la Real Armada, y Comandante de la del Rey nombrada la Princesa Dn. Francisco Antonio Mourelle . . . años de 1780 y 1781 in A.G.I., Guadalajara 521 and in A.G.I., Estado 38.

6. Teodosio Vesteiro Torres, *Galería de Gallegos Ilustres* (5 vols., Madrid, 1874), III (Marinos), 69-85, contains a brief biography of Mourelle.

7. Vesteiro Torres, *op cit.,* p. 69. For Mourelle's part in this incident, and much of his other activity see: *Biografía del Excelentisimo Señor D. Francisco Antonio Mourelle, Gefe de Escuadra de la Armada* (Madrid, 1856), pp. 1-33; José María Mourelle, *Biografía de . . . Francisco Antonio Mourelle* (Madrid, 1877); and Francisco de Paula Pavia, *Galería Biográfica de los Generales de Marina, jefes y personajes notables que figuraron en la misma corporación desde 1700 a 1868* (4 vols., Madrid, 1873-74), II, 475-81. The latter work will be hereinafter cited as Pavia, *Galería Biográfica.*

8. (London, 1781), pp. 471-534.

9. Mourelle's diary is in A.G.N., Californias 35.

10. Juan Francisco de la Bodega, Navegación y descubrimientos hechos . . . en la costa septentrional de California . . . 1779 in A.G.I., Estado 38.

11. Navegación hecha por el Alferez de Navío . . . Dn. Francisco Antonio Mourelle desde el Puerto de Manila . . . in A.G.I., Estado 38 and Guadalajara 521, and in A.G.N., Californias 47.

12. Governing Audiencia of New Spain to José de Gálvez, Mexico, December 20, 1784, in A.G.I., Mexico 1414. In 1783 Mourelle had applied to have his com-

mission changed to the Spanish army as a captain, Francisco Antonio Mourelle to King, San Blas, June 30, in A.G.I., Guadalajara 520.

13. Francisco Antonio Mourelle to the Viceroy, Mexico, June 30, 1792, in A.G.N., Californias 16. Concerning Mourelle's return to Spain *see* A.G.I., Guadalajara 500.

14. Revilla Gigedo Collection, Vol. X, doc. 639, originals in Bancroft Library.

15. Vesteiro Torres, *op. cit.*, p. 69.

16. Hezeta's name was spelled variously, even by himself: Heceta, Heçeta, Ezeta, Eceta.

17. Diario de la navegación que debe hacer con el Divino auxilio el Teniente de Navío Dn. Bruno de Hezeta en la Fragata . . . Santiago in A.G.I., Estado 38.

18. Bruno de Hezeta to the King, Madrid, December 15, 1789, and Bruno de Hezeta to King, Madrid, April (no date given), 1790, in A.G.I., Guadalajara 500.

19. *Estado General de la Armada*, 1797.

20. Pavia, *Galería Biográfica*, contains a brief biography of Hezeta.

21. Bruno de Hezeta had a second brother, Mariano, a resident of Guatemala.

22. The career of Bodega y Quadra is treated in Marcial Gutíerrez Camarena, *San Blas y las Californias* (Mexico, 1956), p. 28 *passim.*

23. The diary of Bodega y Quadra's return trip is found in A.G.N., Californias 8.

24. The diaries of the 1779 expedition are found in A.G.N., Historia 64.

25. During this period Bodega y Quadra solicited transfer to become Governor of the Province of Callao, Peru, but failed. Revilla Gigedo Collection, Vol. XVII, doc. 879.

26. Juan Vernacci, with the exploring expeditions of 1791 and 1792 as a lieutenant, later became a commander.

27. Pavia, *Galería Biográfica*, Appendix Vol., 131-45.

28. Pavia, *Galería Biográfica*, I, 143-52.

29. Pavia, *Galería Biográfica*, I, 195-200.

30. Pavia, *Galería Biográfica*, I, 301-13.

31. Pavia, *Galería Biográfica*, I, 531-36.

32. Salvador Fidalgo, occasional vistor in California, became commander in 1799. *See* Miguel José Aranza to Juan Manuel Alvarez, Mexico, November 26, 1799, in A.G.I., Mexico 1456.

33. Pavia, *Galería Biográfica*, Appendix Vol., 183-87.

34. For activities on the Northwest Coast *see* A.G.N., Californias 47, including his map of Nootka.

35. Pavia, *Galería Biográfica*, I, 47-58.

36. Also losing his life at Trafalgar was Juan Matute, frequent commander of San Blas supply vessels and leader of an unsuccessful colonization attempt at Bodega Bay in 1793. He was lieutenant aboard the *Trinidad*. Also in the action in

1805 were Brigadier Cayetano Valdés aboard the *Neptuno* and Captain Secundino Salamanca commanding the *Rayo,* Papeles Diversos, MN, Tomo 200.

37. Pavia, *Galería Biográfica,* III, 697-712.

38. Exceptions to this are Miguel Costansó and Gaspar de Portolá. Costansó, early arrival in California as a young engineer, later became Mariscal de Campo and Director of Engineers of New Spain. He had arrived in New Spain in 1764 with the expedition of Lieutenant General Juan de Villalva, Revilla Gigedo Collection, Vol. II, doc. 347. Portolá became Governor of Puebla, Mexico. A third exception was Felipe de Neve, who became commanding officer of the Internal Provinces of New Spain.

Peter H. Burnett
From the California Historical Society Library

Peter H. Burnett and the Provisional Government Movement

By WILLIAM E. FRANKLIN

THE GOLD RUSH PERIOD in California history has been so thoroughly examined by both professional and lay scholars that perhaps it is audacious to suggest new interpretations can be drawn from this era. Although the drafting of the first state constitution has been well recorded, the dramatic events of the first nine months of 1849—the agitation which forced the calling of the convention—have almost been ignored. Cardinal Goodwin's *The Establishment of State Government in California* (1914) is still the best account, but it is distressingly sketchy when dealing with the provisional government movement. William H. Ellison's *A Self-governing Dominion, California, 1849-1860* (1950) suffers the same weakness. The most complete study, of course, is Hubert Howe Bancroft's *History of California*, VI (1888), but its age and lack of critical analysis greatly detract from its usefulness.[1]

This paper examines the events of the months from January to September, 1849, and attempts to place them in proper perspective. Peter H. Burnett's role is emphasized because, in my opinion, his part in this drama has been unwarrantably overlooked by previous writers.

The problem of government for California had troubled Californians from the days of the Bear Flag Revolt until the discovery of gold in January, 1848, but it became increasingly acute during 1848 and 1849. During the conquest of California all men, Americans and Mexicans,

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accepted military rule. After the fighting ceased in 1847, the Americans found the military government more and more distasteful, especially since the military governors, Colonel R. B. Mason, General P. F. Smith, and General Bennett Riley, made no effort to initiate the customary American forms of government. Instead, they attempted to govern with only a governor (the ranking military officer in California) and an officer borrowed from the Mexicans—the alcalde. An alcalde appointed for each major community attempted to handle all governmental problems in his area.

The Americans in California had resented the Mexican laws and forms of government from their first contact with them.[2] Calling upon their frontier heritage, the Americans began demanding representative government almost as soon as they wrested the area from Mexico. As early as February 13, 1847, Dr. Robert Semple, editor of the *California Star,* urged the calling of a convention to draft a territorial constitution.[3] The influx of population late in 1848 sharply focused attention on the need for a more adequate government. A murder in the mining district in November, 1848, brought renewed demands in the *Star and Californian* with the editor asking: "Shall we have civil government in California?"[4] The events which followed illustrate once again how effectively frontier life trained Americans in the processes of democratic self-government.

During the months of December, 1848, and January, 1849, three widely separated spontaneous mass meetings advocating provisional government were held. Meetings in San Jose (December 11, 1848) and San Francisco (December 21, 1848) initiated the movement.[5] Then Peter H. Burnett presided over a meeting in Sacramento on January 6, 1849, which voiced the demands of the miners of that area.[6]

Many Sacramentans conferred with Burnett soon after his arrival in December, 1848, regarding the advisability and legality of establishing a civil government for California. His reputation as a lawyer, jurist, politician, legislator, and authority on provisional government had preceded him and made him an oracle on the rights of people beyond the limits of organized government. He advised action, confiding in his *Recollections* that, in his opinion, they "had the right to establish a *de facto* government" to continue until superseded by a regularly consituted government established by the United States Congress.[7]

Perhaps the residents of Sacramento missed governmental organization more than did the older settlements which retained vestiges of Mexican governmental organization. The Sacramento district lacked political organization entirely until the people in a public mass meeting late in January, 1849, elected Henry A. Schoolcraft "First Magistrate and Recorder" for the district. Even before this, however, the people in two public meetings discussed "the necessity and propriety of organizing a Provisional Government for the Territory of California."[8]

On Saturday night, January 6, 1849, Burnett presided over the first of these meetings. He appointed a committee of five men to formulate a series of resolutions expressing the opinions of those present. The following Monday evening the committee's resolutions were amended and adopted. The committee proposed that a provisional government be formed to govern California until Congress extended the laws of the United States to the region.[9] They concurred with the decisions of the people of San Jose and San Francisco to call a constitutional convention and recommended the election of delegates to a convention to meet in San Jose, March 5, 1849, "for the purpose of drafting a form of government to be submitted to the people for their sanction."[10]

Samuel Brannan, recognizing that the slavery question might delay Congressional action, moved that the Sacramento delegates be instructed to oppose slavery "in every shape and form" in California.[11] The motion carried. Later, Burnett cited with pride his part in the first meeting in California to oppose slavery.[12]

With this flurry of meetings, action ceased temporarily, but opinion in favor of provisional government mounted. Senator Thomas Hart Benton encouraged this attitude in a letter to Californians published in the *Alta California* on January 11, 1849. Benton pointed out that Congress had adjourned without providing a government for California and that California's chaotic condition demanded the "exercise of the soundest discretion and the most exalted patriotism on your part."[13] The temporary government established over California during the war had ended. Since California had no lawful officers, it could "get none except by your own act; you can have none that can have authority over you except by your own consent."[14] Therefore, he advised that they call a convention to provide the minimum government necessary until territorial status was granted by Congress. Two years previously, Benton boasted, he had given similar advice to the people of Oregon, and they had governed themselves satisfactorily until Congress acted.[15] Thus Benton advanced the Settlers' theory or Benton theory of self-government in an unorganized territory.

Opposed to this theory was the Administration theory. Its proponents insisted that a civil governor must direct the actions of the people. Under the law of nations, they argued, the laws that were in force in California at the time of the signing of the treaty of peace must remain in force until changed by competent authority. Because of the vacancy in the office of civil governor, the responsibility of the executive devolved upon the commanding military officer, who became *ex officio* civil governor.[16] This theory, of course, was supported by the various military governors.

The legal right of the people of California to form a temporary government was open to question, Burnett admitted. Among the lawyers who had been on the scene long enough to grasp thoroughly the legal intricacies involved, there was almost unanimous opinion that the only alternative to military government was a *de facto* government. Burnett estimated that three-fourths of the people in California accepted the Settlers' theory.[17]

The San Franciscans assumed the lead in the provisional government movement at this time and were successful in bringing it to completion. On January 25, 1849, the corresponding committee selected at the December, 1848, meeting recommended that the convention for forming a provisional government be postponed until the first day of May. Otherwise the delegates from the southern section of the territory could not attend.[18]

The intention of the San Franciscans in their next action was only to solve their own chaotic governmental problems, but their example influenced the whole territory. Because of disputes and corruption San Francisco had three separate town councils by the middle of January, 1849, each with its own supporting officers.[19] The situation was intolerable. On February 12 a group of citizens in a public meeting at Portsmouth Square agreed to establish a provisional government to supersede the squabbling town councils. An election was held February 21 to select a legislative assembly of fifteen members and three justices of the peace. After further wrangling with the displaced governmental officials, the legislative assembly became the supreme governing body of San Francisco. This example of popular initiative did not pass unnoticed elsewhere in the territory.[20]

The Californians were bitterly disappointed at the failure of Congress to provide territorial status for California. Most Californians agreed with eastern newspaper editors that the sectional conflict then raging in the United States was responsible for the inaction of Congress; consequently they feared further Congressional delay. The *Alta California* noted this fear in February, implying that the people must provide temporary government for themselves if they were soon to have a government.[21]

Into this seething caldron of political unrest Peter Burnett plunged when he visited San Francisco for the first time in March. After less than ten days in San Francisco he became convinced that the government there was as unsatisfactory as that in the rest of the territory.[22] Burnett studied the situation carefully during the next six weeks, and shortly before leaving for Sacramento on April 21, he submitted a long article to the *Alta California* expounding his views on the rights of the people of California.[23]

His readers were reminded that Americans were guaranteed certain rights in their national and state constitutions. These formed the birthright of all American citizens—including Californians. The federal government was a government of limited powers, and the President could act only within his capacity as executive. The question of whether the Californians had the right to exercise the power inherent in human nature, i.e., "the power to institute government for the protection of life, liberty, and the right of property," was a question not within the jurisdiction of the President to decide; much less was it within the jurisdiction of a subordinate military commander. As he interpreted the President's statements, President Polk had not "decided that we have no right to institute a temporary government, and that we *must* submit to the mere *de facto* government under military authority."[24]

What, then, were the President's opinions regarding the status of California? The President in his annual message to Congress in December, 1848, had pointed out that when the treaty with Mexico was ratified, the temporary government which had been established over California by military commanders "by virtue of the rights of war, ceased to derive any obligatory force from that source of authority."[25] The President continued:

> Since that time, the limited power possessed by the Executive has been exercised to preserve and protect them from the inevitable consequences of a state of anarchy. The only government that remained was that established by the military authority during the war. Regarding this to be a *de facto* government, and that, by the presumed consent of the inhabitants, it might be continued temporarily, they were advised to conform and submit to it for a short intervening period, before Congress would again assemble, and could legislate on the subject.[26]

Analyzing President Polk's statements, Burnett declared that all governments derived their power from some source. The Declaration of Independence assumed the principle that "governments instituted among men derived their just powers from the consent of the governed."[27] The President contended that the temporary government which continued after the war derived its powers not from the rights of war but from the "consent of the inhabitants."[28] Burnett argued that neither the President nor any one else could "presume" this consent contrary to the will of the people. He did not believe that the President intended so to presume.

> If the President has the right to 'presume' this consent to be given, in direct and positive contradiction to the express acts and declarations of the inhabitants, has he not the right to continue such military government without the 'consent' of the inhabitants at all, either actual or presumed?[29]

The President could not "presume away the liberties of the people." If the people have no power to *dissent,* they have no power to *consent* and thus become passive instruments rather than free people. Even if he admitted that military commanders had the right to govern during the war, "in virtue of the rights of war," and that the President had the right to continue that government after the establishment of peace by the "consent of the inhabitants," Burnett would not admit that the President, "a mere executive officer, could continue such government without any actual consent of the inhabitants." That would be asserting "a proposition giving to the President a power over his fellow citizens equal to that of a despot."[30]

Burnett did not interpret the President's statements as advancing that theory. All he understood the President to propose was that

> he had the limited power to continue the *de facto* government by the consent of the inhabitants; and that so long as they submitted, and did not object to such continuance, nor organized any different government, such consent might be presumed; and for this reason he 'advised' the inhabitants to 'conform and submit for a short intervening period, before Congress would again assemble, and could legislate on the subject.'[31]

The emphasis was on the word "advised." The President had not ordered and could not order them to submit. "The law *commands* and does not *advise*." If the President believed that he had the legal authority to continue the *de facto* government against the consent of the people, he should have spoken with authority and not merely given advice.[32]

In this polemic of Burnett's we have the core of the logic of those who opposed military government. This argument furnished them with ammunition to use against the adherents of the Administration theory and undoubtedly encouraged the Burnett faction to press for the immediate calling of a constitutional convention. Incidentally, it enhanced Burnett's reputation as a political theorist and leader.

On May 23, 1849, the *Alta California* called for public meetings in the various districts to elect representatives to a convention "to form a state provisional government." It had become necessary for the people of California to decide whether they would longer remain without adequate government and in their "present state of anarchy."[33]

Mrs. Burnett and the children arrived in San Francisco from Oregon about the middle of May, and Burnett joined them the first of June. While he was away from San Francisco, the legislative assembly had been enlarged by the election of additional members, including Burnett. Although he did not fully approve of this local governmental organization, preferring, as he did, a movement for a provisional territorial government, Burnett took his seat.[34] His first act as a member of the assembly was to propose the appointment of a committee to draft "an address to the people of California urging them to hold a convention to form a government for the whole Territory."[35] He supported his motion with several speeches and it carried. Before the committee's statement (which Burnett wrote) could be published, General Bennett

Riley's proclamation calling for a constitutional convention arrived and was posted in San Francisco. Burnett emphatically denied that the legislative assembly had known of Riley's intentions and insisted that their actions were entirely independent of his.[36] This argument is plausible since Riley had been in California only a few weeks and had spent most of his time in Monterey.

General Riley received information from Washington, D. C., on June 3 that Congress had adjourned without providing territorial government for California. However, the revenue laws of the United States (including import duties) had been extended over it.[37] This prompted General Riley to call a constitutional convention. He realized that the people were in a rebellious mood and would not wait much longer before establishing a government for themselves. Although he disagreed with their views, he preferred to acquiesce rather than possibly to provoke a rebellion.

Riley wrote his "Proclamation to the People of California" on June 3, 1849. It was posted in San Francisco on June 9 and published in the *Alta California* on June 14.[38] The proclamation was two-fold. First, it called for the election of delegates to a constitutional convention to meet at Monterey on September 1. Second, it provided for interim government for California while a constitution was being drafted and implemented. The General did not relinquish his stand on the theory of government. He still believed that only Congress could establish government for California. However, he bowed to the inevitable will of the people as gracefully as possible:

> The method here indicated to attain what is desired by all, viz., a more perfect political organization, is deemed the most direct and safe that can be adopted, and one fully authorized by law. It is the course advised by the President, and by the Secretaries of State and of War of the United States, and is calculated to avoid the innumerable evils which must necessarily result from any illegal local legislation.[39]

The following day, June 4, General Riley issued a proclamation "To the People of San Francisco" declaring that the "body of men styling themselves the Legislative Assembly of San Francisco has usurped powers which are vested only in the Congress of the United States."[40]

These two proclamations following so closely the information that Congress was taxing California without either representation or government infuriated the people of San Francisco. Burnett and the other leaders called a public meeting for June 12 to sample the attitude of the people and to allow them "to blow off steam." Although Burnett believed that the people had the right to govern themselves and that Riley was out of order with his proclamations, he did not desire mob action, since that might lose the very goal for which he strove. Therefore, on June 12 Burnett convened a meeting in Portsmouth Square and proposed a slate of officers for the meeting headed by William M. Stewart as president. The officers were unanimously elected. President Stewart stated that the purpose of the meeting was to consider the "propriety of electing delegates to a convention for the formation of a government for California."[41]

Burnett, Stewart, Myron Norton, and the other leaders had the agenda well planned, but even so there was considerable ill-tempered wrangling. After President Stewart explained the purpose of the meeting, he introduced Burnett, who spoke to the people about their rights in the matter of self-government and urged the immediate formation of a state government for California.[42] He then introduced T. Butler King, Congressman from Georgia and special envoy of the President. King pointed out that the calling of a constitutional convention was in accord with President Taylor's opinions.[43] King was followed to the platform by William M. Gwin who was in California for the avowed purpose of becoming the first senator from the new state.[44] A series of resolutions previously prepared by the leaders to achieve the desired objective—state government for California—was offered by Myron Norton. These men realized that despite their theoretical differences with General Riley, his proposal to call a constitutional convention provided for exactly what they advocated. Also they knew that the mood of the people of San Francisco would not allow them openly to sanction General Riley's plan. Therefore, they had prepared a series of resolutions both to placate the San Franciscans and to support the call for a convention. The resolutions set forth the need for government and the right of the people to form their own government. They further suggested that they invite their fellow citizens throughout California "to unite with us in our efforts to establish a government in accordance with the Constitution of our beloved country" and that a committee of five persons be selected to correspond with the other districts, to fix the date for the election of delegates to a constitutional convention, and to set the date for the convention.[45]

Immediate opposition arose. An amendment to the last resolution was proposed adopting the time set forth by General Riley. It met with vigorous opposition. The *Alta California* reported what followed in a masterpiece of journalistic brevity: "After some little discussion, the amendment was rejected, and, the vote being taken upon the original resolutions, they were adopted."[46] The committee included: Peter H. Burnett (first named and presumably chairman), W. D. M. Howard, Myron Norton, E. Gould Buffum, and Edward Gilbert. The meeting adjourned *sine die*.[47]

The committee reported to the people through the *Alta California* of June 21. "The committee, not recognizing the least power, as a matter of right, in Brevet Brigadier General Riley, to '*appoint*' a time and place for the election of delegates and assembling of the convention," felt it expedient to recommend that San Francisco elect five delegates on August 1 because San Jose and the districts in the southern part of the territory had accepted Riley's dates. It strongly recommended that the mining districts send a larger number of delegates than allotted by General Riley.[48]

On June 14 the *Alta California* carried the "Address to the People of California" written by Burnett and adopted by the Legislative Assembly of San Francisco prior to the posting of General Riley's proclamations.[49] The article reviewed the situation in California. It then attacked Congress:

> For the first time in the history of the "model Republic" and perhaps in that of any civilized government in the world, the Congress of the United States, representing a great nation of more than twenty millions of freemen, have assumed the right, not only to *tax us without representation*, but to *tax us without giving us any government at all*.[50]

The committee recommended the election of members to attend a constitutional convention which should form, "if they upon mature consideration should deem it advisable, a state constitution," to be ratified by the people. Since the slavery controversy in Congress seemed likely to defeat any attempt of Congress to form a territorial government for

California for several sessions, the people must decide the slavery issue in the constitution they presented to Congress.[51]

General Riley responded to the criticisms of the people because he felt that he was being attacked personally and because he feared the movement for government was becoming uncontrollable. In an article published in the *Alta California* on July 12, 1849, he declared that instructions received from Washington, D. C., since his proclamations substantiated the policy set forth there and distinctly stated that "the plan of establishing an *independent government* in California cannot be sanctioned, no matter from what source it may come."[52]

The absurdity of the charge that Californians wanted an "Independent Government" exasperated Burnett. In an article published in the *Alta California* on July 12, 1849, he questioned Riley's interpretation of his instructions and emphatically denied that the people of California ever intended to establish an independent state to be the pawn of the major powers of the world. "To say that the people of California, ever contemplated or attempted such a thing, is to charge us with an intent to commit the highest crime known to the laws of the United States, without the shadow of a shade of proof upon which to base such a grievous and most horrible accusation."[53] The following week the *Alta California* editorially denied Riley's charges: "For two years and a half that we have resided in California, we have never heard the idea seriously uttered, that California should become an independent government."[54]

By the middle of July, the controversy had subsided and the supporters of the two opposing theories had agreed to follow Riley's lead to achieve the objective for which they had struggled along different theoretical routes. However, the Legislative Assembly of San Francisco could not accept without a retort General Riley's insult in his June 4 proclamation in which he accused the assembly of usurping unwarranted powers. Burnett answered Riley in a voluminous article published in three issues of the *Alta California.* In finely drawn legal reasoning, Burnett refuted Riley and justified the actions of the legislative assembly.[55] This was the final word in the controversy and actually came as an anticlimax. Before publication of the final installment of this article, the people, on August 1, elected delegates to the constitutional convention. The objective had been won.

In this report of the events leading to the first constitutional convention in California the role of Peter H. Burnett has been emphasized—perhaps overemphasized—because all previous accounts of this episode have ignored him. Burnett certainly was one of the major leaders of the movement, and even more important, served in the capacity of chief political theorist and propagandist for the settlers. When the opposition issued bombasts against the advocates of provisional government, it was Burnett who stole the time from his busy days (during these months he established the basis of a fortune as agent for John A. Sutter) to refute them through long newspaper articles and frequent speeches. This leadership had its reward when after a brief campaign he was elected Governor of California in the November election. Among the more colorful and less scrupulous characters of this period in California history, he is admittedly somewhat drab, but his role is too significant to be overlooked.

NOTES

1. Cardinal Goodwin, *The Establishment of State Government in California* (New York, 1914); William H. Ellison, *A Self-governing Dominion: California, 1849-1860* (Berkeley, 1950); Hubert H. Bancroft, *History of California* (San Francisco, 1888) VI.

2. Eli Bashor, "Early Evidences of Political Parties in California, 1848-1850" (Unpublished master's thesis, Stanford University, 1926), p. 15.

3. San Francisco *California Star,* Feb. 13, 1847.

4. San Francisco *Star and Californian,* Dec. 2, 1848; Secretary of War W. L. Marcy in a letter to Col. R. B. Mason, Oct. 9, 1848, infers that he feared the people of California would resent military government after the peace treaty with Mexico had been signed. *House Ex. Docs.,* 31 Cong., 1 sess., No. 17, pp. 258-259.

5. San Francisco *Alta California,* Jan. 4, 1849; *Star and Californian,* Dec. 23, 1848.

6. *Alta California,* Jan. 25, 1849.

7. Peter H. Burnett, *The Recollections and Opinions of an Old Pioneer* (New York, 1880), p. 294.

8. *Alta California,* Jan. 25, 1849.

9. *Ibid.*

10. *Ibid.*

11. *Ibid.*

12. Burnett, *Recollections,* p. 221.
13. *Alta California,* Jan. 11, 1849.
14. *Ibid.*
15. *Ibid.*
16. Goodwin, *Establishment of State Government,* pp. 74-75.
17. Burnett, *Recollections,* pp. 331-332.
18. *Alta California,* Jan. 25, 1849.
19. Bancroft, *History of California,* VI, 271-272.
20. *Alta California,* Feb. 15, 1849.
21. *Ibid.*
22. Burnett, *Recollections,* pp. 306-307.
23. *Alta California,* April 26, 1849.
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*

33. *Alta California,* May 23, 1849. This is the first mention of forming a "state" constitution which this writer has observed.

34. Burnett to Thurston, Aug. 7, 1850, MS, Bancroft Library.

35. *Ibid.*

36. *Ibid.*

37. Bancroft, *California,* VI, 277; *House Ex. Docs.,* 31 Cong., 1 sess., No. 17, pp. 776-780.

38. *Alta California,* June 14, 1849; *House Ex. Docs.,* 31 Cong., 1 sess., No. 17, pp. 776-780.

39. *Ibid.*

40. *Alta California,* June 14, 1849; *House Ex. Docs.,* 31 Cong., 1 sess., No. 17, pp. 773-774.

41. *Alta California,* June 14, 1849.

42. E. Gould Buffum, *Six Months in the Gold Mines* (New York, 1850), p. 118.

43. *Ibid.; House Ex. Docs.,* 31 Cong., 1 sess., No. 17, p. 1. For General W. T. Sherman's statement of King's political ambitions in California see *Memoirs* (Bloomington, Ind., 1957) p. 78. *Ex. Doc.* No. 17, p. 774, has General P. F. Smith's statement regarding King's attitude; *Ibid.,* p. 954, is a letter from Cadwalader Ringgold to William Ballard Preston, Secretary of the Navy, re. King's position. *See also ibid.,* p. 950.

44. Ellison, *Self-governing Dominion,* p. 23.

45. *Alta California,* June 14, 1849; Burnett, *Recollections,* p. 323.

46. *Alta California,* June 14, 1849.

47. *Ibid.*

48. *Alta California,* June 21, 1849.

49. *Alta California,* June 14, 1849.

50. *Ibid.*

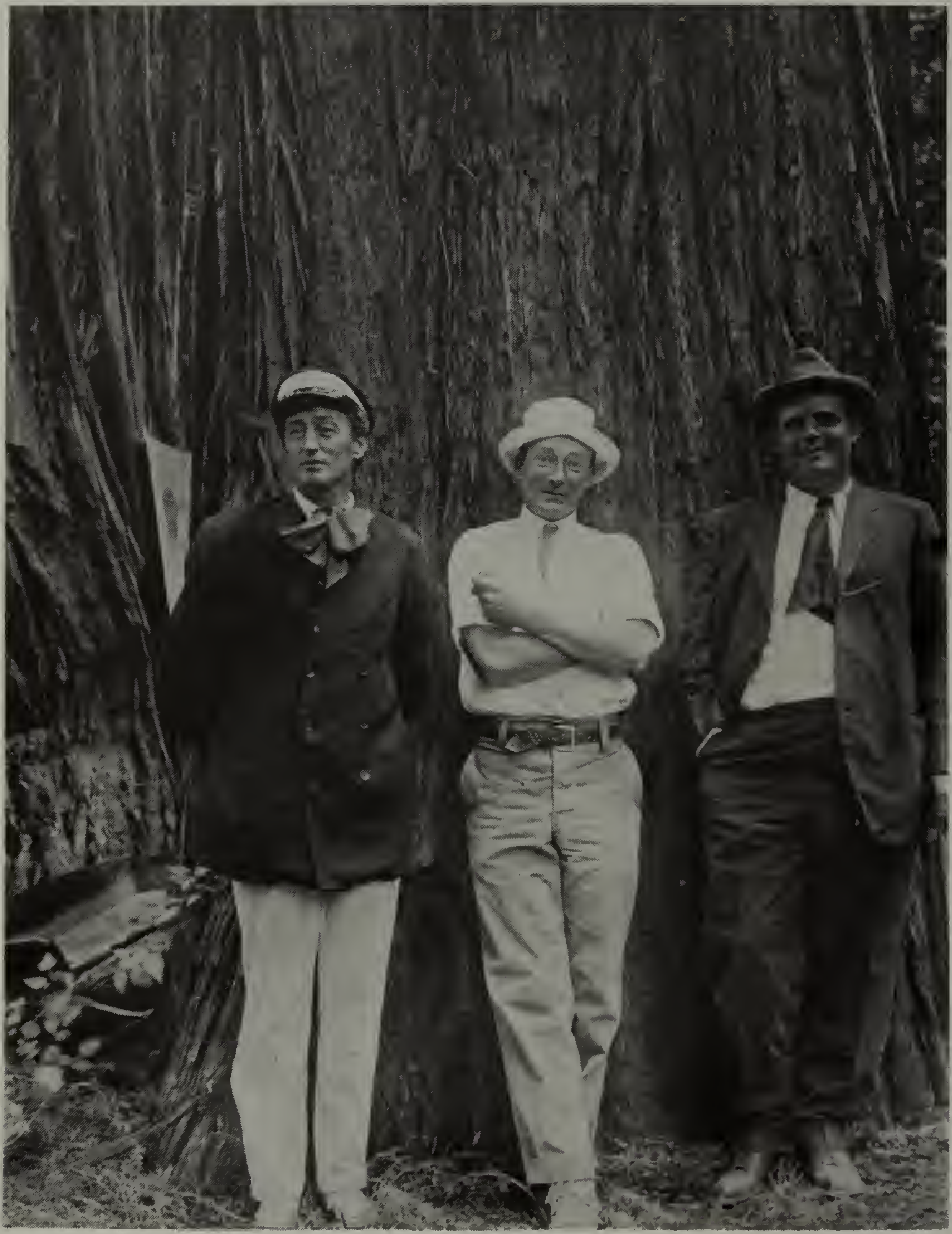
51. *Ibid.*

52. *Alta California,* July 12, 1849. (Italics mine.) For the attitude of General Riley and General Smith toward the Burnett faction see *Ex. Doc.* No. 17, pp. 276, 280, 281-282. The "independent government" statement is in a letter from Secretary of War Crawford to General P. F. Smith, April 3, 1849, *Ex. Doc.* No. 17, pp. 273-274. *See also Ex. Doc.* No. 17, p. 785.

53. *Alta California,* July 12, 1849.

54. *Alta California,* July 19, 1849.

55. *Alta California,* July 19, 26 and Aug. 9, 1849.



GEORGE STERLING AT BOHEMIAN GROVE.
Left to right: George Sterling, Stewart Edward White, and Jack London.
From a 1912 photograph album in the California Historical Society Library.

Some Letters of George Sterling

Edited by JOHN R. DUNBAR

GEORGE STERLING, one of the more famous emigrants to California, was born in Sag Harbor, Long Island, on December 1, 1869. He was educated in public and private schools in the East and at St. Charles College, Elliott City, Maryland. At St. Charles he studied under Father Tabb (John Bannister Tabb), a widely known lesser poet of the end of the nineteenth century, who had, undoubtedly, a strong influence upon Sterling—to the point, apparently, of starting Sterling upon the writing of poetry and the reading of the major English Romantic and Victorian poets.

When he was twenty-one, Sterling moved west to Oakland, California, to take a job in the real estate office of his uncle, Frank C. Havens, where he worked until 1908, or thereabouts. It was during these years that he met and became the close friend of such writers as Joaquin Miller, Jack London, and Ambrose Bierce—the last named seems to have acted as Sterling's poetic advisor.

In 1896 Sterling married Caroline Rand; the marriage was not successful, and they separated in 1914. Four years later Mrs. Sterling committed suicide by taking poison.

Over the years from 1903 to 1926 Sterling wrote and published eleven volumes of lyric poetry, four dramatic poems, three odes, one translation, and a critical work on Robinson Jeffers. After his death several more volumes appeared. He gained his first real prominence in 1907 with the publication of *Wine of Wizardry*, which Bierce called one of the greatest poems ever produced in America, and John Gould Fletcher, "sheer drivel."

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Sterling died in his room at the Bohemian Club, San Francisco, on November 17, 1926, a suicide by poison. Why? Many answers have been suggested: dipsomania, depression, poverty, discouragement as an artist. Whatever the cause, his death removed from the California scene a personality of great generosity, sympathy, and charm—a man, who, as one friend wrote, "had the body of Mercury and the face of Dante."

The following letters were written to Joseph Ely O'Carroll, a well-known writer and newspaperman who was working on the Los Angeles *Times* in 1923. They were written from the Bohemian Club of San Francisco and cover a span of a little more than two years: May, 1923, to July, 1925.[1] To a reader interested in American literature these letters have a twofold value: they reveal Sterling's attitude toward poetry and fellow poets, and they reveal Sterling himself. Occasionally I have deleted passages from the letters. In all such instances the material deleted was highly personal and not of general interest. A few of the letters seem of little consequence; these I have described but not quoted.[2]

I[3]

May 21st, 1923

Dear Joe:

If you detest letter-writing any more than I do, you have my sympathy for having been put to the botheration of writing this last one! You write a good letter, too.

Here is the poem you ask for—Pumas. As it's my only copy, I must ask you to have it typed and a copy returned to me. You may keep this original if you care too.

Yes—poets do get a 'lousy deal.' As Bierce once wrote me, 'The Muse is an ungrateful bitch!' But in the last number of 'S.S.,' Nathan (or Mencken) says that poets are at least in demand as lecturers or as lovers![4] I vote for the latter privilege.

* * * * *

As to using the sonnet 'To Wordsworth,' let me suggest, since you're willing to pay for it, that you use one that your readers will like better. I enclose the one I have in mind. Don't bother about a 'Lilith.'[5] I need one no longer, as I can obtain the edition the Book Club of Cal. brought out. I correspond with Chaplin,[6] in Leavenworth, and have done what small wire-pulling for him that lay in my power. It looks bad for him, though. The 'Iron Heel" begins to bear down.

I wrote Upton last week and said: 'I see you're wallowing in the joys of Martyrdom, with the attendant publicity!'[7] He can't fool *me.* Don't know when I can get to L. A. But you'll be one of the first I'll call on—you and George Hyde,[8] whom you know, I suppose. Do you?

Yours ever,
George Sterling

II[9]

May 27th, 1923.

Dear Joe:

Your estimate of my poetic merits is far too generous, and I fear inspired by the genial grape![10] When I receive praise so high, I recall 'Kubla Kahn [sic],' 'Ulalume,' 'The Eve of St. Agnes,' 'The Skylark,' and hide my diminished head. You mustn't be so hard on 'the iron-grey poet* [sic] man,' Sandburg, whom I like personally, as well as the poetry that burns in his work like rubies half-hidden in a pile of rubbish. He has a fine spirit, like old Whitman. And even little Kreymborg can write poetry when he tries to. I often receive invitations to lecture or read, but so far haven't been forced by hunger to accept. But if I go to Pasadena I may give a reading at Mrs. Gartz's,[11] as I promised Mrs. Sinclair I would.

I'd like to be able to send you all my books, and may be able to afford to, some day. At present I've a 'Sails and Mirage' to spare: have you seen that book? I think better of it than of the other five books of *Lyrics.* I'll soon have some better photographs of my lean map, and will send you one. It's not for the Times. Note you haven't sent me the copy of 'Pumas,' as I requested.

I saw Hydes 'S.S.' stuff—great![12] He's a fine boy, and I like him immensely.

Now as to biography.

Tennyson and Keats *were* my favorite authors, and Keats still is. I think highly of Tennyson, but not as highly as I did twenty-five years ago. Following the two come Swinburne, Poe, Coleridge, Shelley, Keats [sic] and (in spots) Browning, all, you see, poets of objective beauty—even the last-named on occasion. I think I give full credit, in my mind, to *thought* in poetry; but I cannot rank its shifting values with 'the light that never was on sea or land,' *beauty.*

As to my dislikes in verse, I don't care to go on record, for most such repulsions are narrow at heart, and the limitations of one's age and tastes. There'd not be many—only a few of the ultra-moderns. I'm strong, though, for Frost and Masters, Wylie and Millay. It's the bunch of drivellers in the 'Dial' that bring on the mal de mer.[13]

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*The word "poet" was struck out by Sterling.

As to my sex relations, even with their bearing on my work, I prefer to go over the subject orally with you, it not being a thing I'd care to put to the permanence of the written word. But I may say that I'm never 'out' of love, and doubt if I could do my work if I were! Love, whatever the quality of the kind that I'm capable of, is an immense stimulation. I have written well over 300 love-poems (*un*published), 275 of them being sonnets. None of them will be published in my life-time if I can prevent it. Not that they're too erotic; most of them could go in the 'Ladies Home Journal.' But I hardly care to expose such feelings to the vulgar, though it's the part of my work it would most care for.

I should not care to give judgment as to whether or not a woman loves a poet for himself or his work. I rather think for himself, though the work operates to give him *distinction*, the thing women care most for in men—even more than wealth or good looks. I didn't believe that when Bierce first pointed it out to me, but have since noted that he is correct. Of course women pretend to care greatly for one's art, but usually it's not the art *in itself*. But the poet plus his distinction is another matter. Most women *bluff* in pretending to appreciate poetry, but, as you say, there are many that do. I have found that those are not, however, *always* the 'old and poor and ugly' ones; though they're not often the *young* ones.

Other vices? Well, I never smoke, nor use coffee or tea. Wine I'm leaving alone, but merely because I won't touch the dreadful stuff that the bootleggers proffer. And as I'm anything but promiscuous with women, I may almost be said to be that monster, a person *without* vices! I've not even a love of fame, tho, as you see, I don't turn down any decent publicity, on my publisher's account. It would be unfair; but such small 'fame' as I've acquired is only a nuisance and always will be.

By the way, I've written an essay I want you to read. It shocked Upton. I'll send it on when I get one of the copies back.

Marky of 'Pearson's'[14] is here, investigating Abrams.[15] He'll be leaving soon for L. A., and I'm giving him a letter to you, for he's strong for the ladies, and maybe you can give him introductions!

And so you know Morris![16] He's a man I've always been profoundly interested in, and have always wanted to meet. He'd be our foremost storyteller to-day had not Hearst got hold of him. As it is, one of his tales ('Targets') is one of the most remarkable in English—or any other tongue. He has bought a fine site between Monterey and Del Monte, and has enlarged and re-modeled the old adobe house on it. I hear he's happy there, though threatening to leave America if any more blue laws are passed. I think they'll be passed, too. I wish to God I could live in England or France! I had a good review in to-day's 'Chronicle.'[17] Forgive all these necessary 'I's!'

My best to you, Joe!
Yours ever,
George.

III

Dear Joe:

June 12th, 1923.

Thanks for getting me that check from the Times for me![18] When I get to L. A. we'll use it, or its equivalent. I wish I were there now: the waterwagon is pretty monotonous.

Hope you caught that misprint ('sa*n*d') in the 13th line of the sonnet: but if you didn't, no matter. The intelligent will know, and the rest don't count. Of course I'd be glad to have ten copies of your review, and will remit for them if necessary. It can be clipped: the whole paper is not necessary.

I've given Alexander Marky, editor of 'Pearson's,' a letter of introduction to you. He's a live wire and won't bore you an instant. He's not much on booze, but is strong for the ladies. As he'll have to put in most of his time with the sainted Upton, you'd be a God-send to him! I've a notion he's half Jew, Hungarian, but he neither looks nor acts it, and I think you'll like him as much as all of us up here like him. At the worst, he'll be in L. A. only a very few days.

I'm sending you 'Sails and Mirage' at once. I won't let you pay for it; but you may dig up for such other volumes of mine as you care to get, and I'll autograph them. My *good* photograph isn't ready yet, but you shall have one soon.

About Abrams: I become more and more dubious as to his curative machine, as it has failed utterly with my abscessed tooth. His diagnostic methods seem accurate; but then, I've *no means of checking up on him.*

The whole matter baffles me, and is mixed up with his maniacal avarice to such an extent that I never go near him any more! It will take years more to prove or to disprove the theory. I've no time to go far enough into it, by letter, to 'get anywhere,' but will gladly discuss it at length, orally, when we meet.

You're damned good to boom me so, and I'm glad to be boomed in your especial neck of the woods, for I'm assured of *this* city's devotion. Thanks! I hope to be able to make some return, some day. Yes—I'd like a copy of 'The Wave.'[19] 'The Lyric West'[20] prints an amazing amount of trash, along with a little good stuff. It lacks discrimination. I have to rewrite, or at least expand, my 'essay on the cosmos,' but you shall see it as soon as it's finally in shape.

Yours in Christ,
George

IV

Dear Joe: June 18th, 1923

The copies of your review that you so kindly sent didn't arrive till after I'd written you those two letters. I've been indisposed ever since—a grappa-poisoning—but now hasten to write that your article gives me a pleasure undiluted by the inner consciousness that I don't deserve it—just as stolen fruit is sweetest! No—you rank my rather stiff and old-fashioned stuff too high, but since it pleases you *I* am pleased, and that's all there is to it!

Of course my friends, many of whom I've shown the review, are delighted with it—even George West.[21] It shows how the heart can run away with the head. But I'd *rather* have the affection of my friends than be as big as Keats or Shelley.

You write very well, with a staccato, imaginative style that seems to show the influence of Saltus. I quite agree with you as to the fault of personification. It's a fault of the young poet. I've not sinned that way, especially, in my later years, and hope to sin less, with growth in grace.

No books here yet!

A fine, enterprising lot my book-selling 'friends' seem to be! I'll forward yours as soon as I can get them. Will meanwhile send a book or two that you've not seen. You shall have 'The Caged Eagle' book and 'Beyond the Breakers' as soon as some are bound. Maybe in a month. Marky was so busy when in L. A. that he had no chance to use the several letters of introduction that I gave him. He was with Upton constantly. I hear that Sadakichi the Damned[22] (as I call him) is down in Hollywood. Do you know him? I don't want you to be 'a plaster saint'—but beware of Sadakichi!

Well, thanks once more for the generous, smashing review! I'd like to have five or six more copies—my friends beg for them. Will you send them? Tell Ford I'll reply to his letter to-morrow and send him the poem.

Yours ever,
George.

V

June 23, 1923. Sterling acknowledges a letter of O'Carroll's, says he will write at length in a few days, and ends with a remark of Ambrose Bierce's: "God be with you, but inattentive!"

VI[23]

Dear Joe: June 29th, 1923

These are fine letters that you write me, and, as I've said before, I wish I had time (and energy) for adequate replies. But it's simply impossible. However, I promise to talk you to insanity when I see you in L. A. All the 'Times' arrived—*thanks!* I'll send you my 'map' when it's ready. Your (my) books are here, and I'm inscribing and returning them to-day, along with an 'Evanescent City.' God knows when the 'Beyond the Breakers' and "Caged Eagle' will be bound! Some time in July, I hope. I know you *can* write poetry, and will be proud to inspire you to, BUT—ask me about this matter when we meet. *Do not forget!*

No—I didn't think the review too 'flowery'—only too enthusiastic. And 'tribadic' is all right; even tribades are, in their way. The treatment women get from men ought to make them all tribad! Hyde writes me giving only praise to your review.

Yes—I noticed the nomination by Mencken;[24] friends sent it to me from all over the U. S.—unnecessarily, for all intellectuals read Smart Set. I write Mencken about twice a month, and have just told him I'm going to take the stump for him, and have persuaded Sinclair to do the same for southern California. You shall have *your* position with all Bolshevic privileges! And I'm going to return this last frank letter of yours, so that you may know you'll not suffer from its frankness. It is dangerous to make some of the confidences that you make, brave as they are. How wonderful Blanaid[25] must be! If I were only young, I'd fly to Dublin! But maybe she'd not like Yanks. I *must* have her picture.

I'm glad my friends lent you so little. To have listened to them, one would have thought (especially in A's case) that they'd been badly stung! Mihan is way off about the great Mangan,[26] whose 'Dark Rosaleen' I love so well that I have it almost by heart.

'Thy holy delicate white hands
Shall girdle me with steel.'

Great!

I'd like to know who called so fiery a soul as you 'effeminate!' What a misnomer!

Don't forget the copy of 'Pumas.' And I enclose here my only copy of the poem you ask for. Copy it and send me back this printed version. Junth [sic] 30th. I thought I had a printed copy, but as I can't find one, evidently I didn't think it worth preserving.

There are plenty 'Selected Poems' here now, and the book seems to be going well. Remember me to Ford, and tell him I hope to see him in the autumn. I hear Upton's to be here next week, to lecture.

Give my love to your next-to-best girl.

Yours in Christ,
George.

VII

Dear Joe: July 16th, 1923

Thanks for the copies of 'Pumas.' I'll be sending you a larger photo soon.

I went over to San Quentin Sunday before last, with Marky, Mike Gold[27] and Sinclair, in behalf of the 'striking' I. W. W. there. It was most interesting, to say the least. It was strange to see all the ropes being stretched for the hanging of men who hadn't even yet committed the murders for which they are to be hanged!

I've picked my rope, a manila the color of my 3rd best girl's hair. We called on Burbank afterwards, and Upton actually got him to write to the warden recommending mercy to the I. W. W. He's a wizard; but he'll make B. lose his popularity. I had a good chat with Matt. Schmidt,[28] and have sent him one of my books.

Xt knows when I'll get to L. A. Now Miss Anglin[29] wants me to write her a play on the subject of Aeneas & Dido! I'm trying again to get Mencken out for our grove jinks on Aug. 4th.

Did you hear from Morris about my book? I doubt if he approves of me personally.

Yours ever,
George

VIII

Aug. 22nd, 1923

Dear Joe:

You'll think me an ungrateful beast for delaying so long in this reply to your last fine letter. . . . Now I have mostly recovered my pep, and am starting in on a pile of letters a foot high—I'm not exaggerating! It would have been better for me if I'd visited Los Angeles: here the temptation to drink is almost irresistible, once one gets started. Well, a friend at New Port Beach has asked me to go with him to shoot ducks in Imperial Valley, early in October, and I've accepted, since he kindly pays all expenses. So you'll see me before so *very* damn long. I can't promise to do much drinking, however.

Did you see the panning I got in the Aug. 15th 'Freeman?'[30] It doesn't seem quite just to me, though I dare say that Fletcher thought he was stating facts. Personal tastes count for so much, you see. I made a reply which I hope they'll be decent enough to run.[31] As the American organ of the German republic, though, I can't expect much from them, after my verses on the war! I'm returning the Wightman[32] letter, for which thanks! I agree with all you say about Morris; he's a real knight of the age of romance.

Let me hear from you soon, Joe.

Yours ever,
George.

IX

Dec. 3rd, 1923

Dear Joe:

You did not hear from me, because I have been expecting to hear from you. Don't you remember that you were to write and remind me of certain poems that you wanted? Or was that merely temporary alcoholic enthusiasm? I found my sister pretty ill on my return. She's all right now; but she gave us a scare. Marian, the one who was in the city of Mexico, has returned—says she can't stand its climate. Another sister has come back from Ohio, so I've five now to pet me!

It's interesting to read of *yours*, and I'm more than flattered at Miss

Blanaid's good opinion of my poetry, and wish some of it were to her. Alas! this devil, Time! He has but toyed with me, thus far: some day he'll get busy in earnest, . . .

I *knew* that it must have been through your sister's kind offices that I received Yeats' 'Later Poems.' Thank her for me, most heartily. Alas again! the 'later' they are the worse they are! One poem like 'The Lake Tale of Innisfree' is worth hundreds of his poems of maturity, wisdom, thought—call it what one should. Beauty—she makes a mummy of Truth, and well Truth knows it.

I've been hoping to see you again, as Mrs. Gartz was to have got me an engagement to prattle to the Friday Morning Club, @ $100. But nothing has been done. I know she's a man-hater, and that she doesn't approve of me; but for all *she* knows a few of the Friday Morners might have taken pleasure in my 'literary' gossip.[33]

* * * * *

The stories you speak of writing awaken my deep curiosity. Do let me see carbon copies of them. I ought to be writing some myself, but am too bone-lazy for prose.

Your friend Geritz[34] sent me his magazine, at your kind instigation, and I so approved of its tone that I actually sent in my cash subscription! Since then I've given him also a sonnet—nothing poetic; but it seemed in line with the other things in the mag. Long life to it—though it will, naturally, be as short-lived as all such ventures.

I'm returning your mother's letter, with thanks. You are lucky to have a mother still alive, and sisters so evidently beautiful and talented. If I'd a snap-shot of Miss Blanaid, I'd put it before my writing-table, next to my sister Marian.

My 'Truth' ought to be out before Christmas. I've autographed the final page of 285 copies, all subscribed for. Now, I'm asking Boni & Liveright to bring it out, along with 'Lilith' and 'Rosamund,' in one volume. Yes—the clan forever! One feels that way as one grows older and wiser. I wish, though, that my brothers were still in the clan instead of in their graves.

Yours ever,
George.

X

Mch. 10th, 1924

Dear Joe:

. . . It would be easier if my women friends didn't tempt me to drink, instead of begging me not to. I've had serious talks with some of them, and now perhaps I'll be able to 'be good' and get some work done.

It hurts me to know you're broke and hungry. You'd be neither if I'd any of my Hollywood money left; it went mostly on certain bothersome debts, and the rest to bootleggers, etc. I wasn't paid much, anyhow, but if the lyrics I wrote have any sale, my royalties will swell the sum. The songs are to be sold in the lobbies of the theatres where 'The Thief etc.' is shown.[35] Heaven knows what may come out of it. I *would* like to get out of debt! Most of all, I want to write Fairbanks' next scenario. I *am* going to write one, beginning tomorrow: whether or not he'll take it is another thing. What fools we are to drink, Joe—especially the awful stuff that alone seems accessible in these lonesome latter years! It is forgetfulness only for a few hours—and then the 'Black People' have one by one's throat all the more fiercely. We two especially shouldn't imbibe—I because it hits me so hard afterwards, you because it hits you hard at the time. It's true that I told the Childs person I didn't care to drink with you. You go all to pieces, Joe, and it's most embarrassing. But sober or even half-sober you are a most agreeable and interesting companion. I wasn't 'sore' over that break-down of yours, but merely resolved not to drink with you where you could get more than a few shots! I'll give you the damn privilege! Am enclosing a letter from Blanaid. I think there was another, but if so, I must have destroyed it as unimportant. She hasn't written since this last one: why should she? Yes—I'd been to Morris', and don't know why I didn't mention it when we last met. Was there again, two weeks ago, but felt so wretched, what of my present and previous potations, that I stayed only two days. Ruth was up here last week, and got me on the 'phone,' but I was too low to be 'sociable.' She's now at Coronado. They're both splendid folk, and I trust we'll always be friends—my addiction to the wagon will help a lot there, I think, though they both drink, in moderation.

I'll get a 'Rosamund'[36] for you to-day, and mail it c/o Gen. Del. Heaven knows you're welcome to it! As to a poem for 'To-morrow,'[37] I've given them two, but here's another—God knows it's unsaleable, and somewhat too reminiscent of Kipling's style, if not of his sentiments. If you can get any track of Sadakichi's diatribe, I hope you'll put me in the way of getting ahold of it. Am more interested in the movies now than I was, though most pictures are sad stuff.

So long Joe! I'll look you up when I'm south again, which probably won't be till next summer.

Yours ever,
George.

XI

Dear Joe: Aug. 6th, 1924

* * * * *

I enclose the first thing possibly suitable for Ryan[38] that has popped into my head. I want to do the erotic poem too, and hope to have one before very long. But this one seems appropriate enough for your Hell of Reform. I read Kemp's book when it first appeared.[39] It's great reading, though he is a super-cad. The trouble is that one never knows what is real autobiography and what fiction. For instance, Sinclair assures me that the 'coffee percolator' anecdote is absolutely untrue—and yet it seemed so true, just what one would expect from Upton! Also, Mrs. Sinclair assures me that my sonnets to her (I *was* the Mallow chap) were read by no one but her, unless Meta read them on the sly. So the book has to be read with mental allowances. It won Kemp quite a wad of money and more contempt. Ossendowski's book is a wonder.[40] I've lately read his second one, 'Man and Mystery in Asia.' Not so remarkable a book, but as interesting in another way. F. Marion Crawford is the author of 'Dr. Isaacs,' [sic] to which I thrilled in days long past. Just so often, poverty drives me to prose, and I've done one short-story and expect to begin another soon. It's better than bookkeeping, anyhow—my sole accomplishment aside from art.

* * * George.

XII[41]

Dear Joe: Oct. 31st, 1924

I've been wondering how things are with you, and if you're not yet well and ready for that job on a China steamer. If you are, I'll get busy. As for me, I'm in fine shape. Had two very expensive bridges put in my upper jaw, thereby greatly improving my appearance. I've written three short-stories lately, but too lately to find out if they'll sell. Distasteful work but better than lecturing or bookkeeping. I came pretty near getting to L. A. about Oct. 1st—only the dentistry prevented. I may get there yet, as a chap in Hollywood thinks he can sell a scenario that London and I once wrote. Upton is coming here to lecture in two weeks.

I note in your letter that you have the impression that I wrote sonnets to *Meta* Sinclair. God no! They were to the present Mrs. Sinclair, who was then unmarried—and a beauty she was!

I remembered you to the Laflers.[42] Haven't seen 'em for three weeks, as I'm a bit peeved at Harry, who did some detective work on me (for my girl) when I was on my last 'periodical,' a month ago. But I dare say he couldn't get out of it.

My old home at Carmel, now owned by Hopper,[43] was burned to the ground lately. He had some insurance—not enough for rebuilding, though. He has as bad a jinx as I.

Maybe you've not seen the enclosed verses.

Good luck!
George.

XIII[44]

Dear Joe: Dec. 23rd, 1924

Your long and interesting letter of Nov. 7th deserves a reply longer and more prompt than this. But I'm always hell-busy, and hate to write letters, unless I'm lit, which I seldom am.

I spoke to Upton (when he was here lecturing) about your wish to be 'staked' to write a novel (like M. Gold) and he said Mrs. G.[45] gives money now only to 'movements,' such as the Civil Liberties League! As for me, I never strike his rich friends for anything. I have tackled one or two multimillionaires in the past. They're dead now! I prefer selling plots, to disillusioning the rich. Just got $250. for one, but it went like a dew drop on a red-hot stove.

I note in your last letter that you want to get to Hong Kong, and I've been trying to get hold of some influential man connected with the steamer line to China. None belongs to this club, so God knows how I'll make the touch. The Japs seem to control most of the shipping, but

I do not know any Japs. Give me more time and I'll see what a Seattle friend can do. I suppose you can get as far as Seattle.

No news here. I've written two more short-stories of which I have high hopes—as usual.

Our crowd gets together at Lafler's every Sunday, and he gives us all the bitter muscatel we can hold. We read poems, sing fool songs, and hug one another's sweethearts or wives. Altogether a joyful and harmless procedure.

Excuse this scrawl. I've a shaky hand from last Sunday's fun.

Merry Xmas! If you care for such nonsense.

Yours in Christ,
George.

XIV

Jan. 23rd, 1925. Sterling writes to O'Carroll of being ill, describes Sinclair's brother-in-law's job hunting, and praises O'Carroll's Christmas card.

XV[46]

Dear Joe: Apr. 1st, 1925

. . . But I had nothing about which to write, and have to write so many letters that I shudder whenever I see a pen!

Ben De Casseres[47] was here for a day or two, last month, and Edgar Lee Masters here for several days. Both are good tankard-men, and pained to find me temporarily abstinent. . . .

De C., whom I'd pictured as a brilliant and venomous cynic, proved astonishingly human, and in appearance and actions almost a Babbitt. We had a wonderful evening up at the Lafler's, where he cavorted around like a colt full of brandy, and even volunteered to read his own poems. Masters was much quieter, and more openly pessimistic and revolutionary in all his statements. He doesn't care for wine, but takes his liquor hard and straight. Both men were crazy about this city, and M. swore he was coming back in the autumn, to stay here all winter. But I've heard that song from easterners so often! De C. is in Hollywood, writing captions, and said he'd return to N. Y. via S. F. I hope he does, for I like him.

Sinclair Lewis sends me his 'Arrowsmith,' an absorbing book to me, whom doctors fascinate. It's theme hasn't the scope of 'Main St.' or

'Babbitt,' but is just as important, applying as it does to the artist as well as to the scientist. I dare say the latter is an artist too, in his way.

* * * * *

Yours as ever,
George.

XVI

Dear Joe: May 14th, 1925

Don't mind my peevishness about the letter of introduction. I was vexed at the time because I hadn't any spare time and was worried over the Laflers, who are having a serious quarrel.

The worst of it is, though, that I arranged for Pedretti[48] to meet three of our leading sculptors, then phoned to the Cosmopolitan, which he said was his address, and found that they knew nothing of him! If you should learn his address here, let me have it, for I want to help the poor chap if I can. His photographs of his work show he's the real thing, but he could not have come to a worse city for sculptors; that is, if they have to eat.

You are in error to rank me so high as a poet, but if it gives you any pleasure, go to it! One delusion is as good as another, I dare say. But over half of my work is decidedly 2nd class—or 3rd, or 4th.

Did I say that I've done a 7500 word article on AmBrose [sic] Bierce for Mencken? It ought to be in the June or July 'Mercury.'[49] He says it's 'excellent'—rather too colloquial for that.

You really *should* try the Orient.

Yrs. ever,
George.

XVII[50]

Dear Joe: July 29th, 1925

Your brief article on Ben Berlin[51] interested me. You must take me to see him when I finally get to L. A.

The Lafler divorce went through. He is still at his big stone house on the mountain top. It won't be finished before Sept. 15th.

I go up to our Bohemian Jinks to-morrow, for a week-end, but anticipate no very great pleasure, as I'm on the wagon. . . . Maybe I told you that my 'Truth' will be used for next year's grove-play—with the alleged humorous scenes excised.

I'm giving that poem of yours to the Overland Monthly, which has a new editor (girl)[52] and seems to be picking up a bit.

Am working now on a big circular about a Dude Ranch, of all things on earth. It ought to pay well—I'm not so sure of my men. Business folk are too apt to presume that $25. looks like a fortune to a poet!

* * * * *

Sinclair is at a new novel, and actually taking his time with it. Yes—wonders never cease.

Yours in Mohammed,
G. S.

NOTES

1. These letters are in the MS files of the Perkins Rare Book Collection in the Ella Strong Denison Library of Scripps College. I wish to thank Scripps College for permission to print them.

2. I wish to thank Mrs. Ethel Turner, Mr. Don Ryan, Mr. Joseph Ely O'Carroll, and the late Mr. John Howell for their help in answering my questions about Sterling and his friends.

3. At the top of this letter Sterling has written: "Give Ford my sincere thanks." I assume this refers to Thomas F. Ford, who conducted the Los Angeles *Times* Literary Page at this date.

4. *Smart Set,* LXXI (June, 1923), p. 37: "Even poets, if they attract public notice, may make a great deal of money in America, for though their actual poems may bring them in no more than $1 a line, they are always in demand for lectures, or as lovers, and often receive large honoraria." This appeared in "Répétition Générale," a monthly department signed by George Jean Nathan and H. L. Mencken.

5. *Lilith: A Dramatic Poem* (San Francisco, A. M. Robertson, 1919). This work, which was the first of Sterling's long dramatic poems, was also published by The Book Club of California, San Francisco, in 1920.

6. Ralph Chaplin was a well-known American radical whose sentence was commuted by President Harding. In 1948 the University of Chicago Press published his *Wobbly: The Rough-and-Tumble Story of an American Radical.*

7. On May 16, 1923, Upton Sinclair, his brother-in-law, Hunter S. Kimbrough, and two others were arrested at San Pedro after they had tried to make open-air addresses at "Liberty Hill." They were arraigned in Police Court on a complaint charging a conspiracy to commit a breach of the peace and obstruct traffic. Sinclair declared that he had started to read Article I of the Constitution of the United States when he was arrested. He read, he said, because Southern

California was building a "bull pen." This was a reference to the plans for the construction of a stockade to house arrested Industrial Workers of the World. In the group with Sinclair were Gaylord Wilshire and a number of wealthy women from Pasadena – Mrs. Kate Crane Gartz, Fannie Bixby Spencer, etc.

8. George R. Hyde, Los Angeles newspaperman, writer, and press agent who committed suicide in 1932.

9. At the top of this letter Sterling has written: "Phelan's 'poem' is a scream!" I assume this refers to Senator James D. Phelan to whom Sterling dedicated *Yosemite.*

10. O'Carroll's review appeared in the Los Angeles *Times,* June 19, 1923, Part III, pp. 42 and 43. It is a very long (a full column) and highly praising review of Sterling's *Selected Poems,* published by Holt. "It is difficult to overpraise such a poet... The sorrowful legends of an ancient day; the mutability of our loves and our hates; the imponderable duality that is man; all these are rendered into perfect verse... Sterling pours from his alembic a glittering cascade of perfectly wrought poetic gems... There is not one inept thought in the book – and it would be hard for even a Keats or a Shelley to hint at a substitutional adjective for any which Sterling uses... Sterling, one of the supreme poetic artificers of our age."

11. Mrs. Kate Crane Gartz, daughter of Richard Teller Crane, founder of the Crane Plumbing Company, died May 12, 1949, at the age of eighty-four in Pasadena, California. Mrs. Gartz was a founder of the Pasadena Playhouse, the Pasadena Civic League, the American Civil Liberties Union, and a life-long leader of the Socialist Party.

12. *Smart Set,* LXXI (June, 1923), pp. 116-118, "Scenes from the Life of an American Journalist." Consists of epigrams, quips, brief anecdotes.

13. At this time the *Dial* was publishing such poets as Aldington, Hart Crane, Cummings, Cowley, Eliot, Fletcher, Wallace Gould, Lowell, Mina Loy, Marianne Moore, Pound, Sandburg, Stevens, Williams, Winters, Yeats.

14. Alexander Marky, then editor of *Pearson's Magazine.*

15. Dr. Albert Abrams, born in San Francisco, December 8, 1863; died January 15, 1924. Abrams stated his case thus: "The human organism is just a machine which constantly throws off vibrations. Through the analysis of these vibrations one may read what is behind them. Love, hate, and all the other emotions have characteristic vibrations." He invented an apparatus by which he claimed he could diagnose a disease by testing a drop of blood; from the ensuing "electronic reactions" he could tell the sex, age, religion, etc. of the patient.

16. Gouverneur Morris, a very well-known short-story writer and novelist, born February 7, 1876; died August 14, 1953.

17. San Francisco *Chronicle,* May 27, 1923, Music, Drama, Art, Screen, Books Section, p. D 5. This is a review of the Holt volume written by Nancy Barr Mavity: "Sterling has gone his own way, on the highway of the 'great tradition'

in literature, without reference to 'movements' and 'iconoclasms'." Stresses his "devotion to beauty that leads him to loving perfection of rhythm."

18. Sterling's "Old Partings" was published in the Los Angeles *Times,* June 3, 1923, Part III, p. 34.

19. Probably a little magazine published in Chicago from 1922 to October, 1924.

20. Subtitled: *A Magazine of Verse.* A little magazine published in Los Angeles from April 4, 1921, to December, 1927.

21. San Francisco newspaperman, magazine writer, prominent liberal.

22. Sadakichi Hartmann died in November, 1944. An almost legendary Bohemian, writer, friend of Whitman, Whistler, Swinburne, and latterly of John Barrymore, W. C. Fields, etc. At death he admitted to 78.

23. At the top of the letter Sterling has written: "I don't know Eastman's present address. Paris, isn't it?" The reference is to Max Eastman.

24. In *Smart Set,* LXXI (June, 1923), pp. 31-33, in Répétition Générale" Nathan and Mencken announced "their candidacy for the offices of President and Vice-President of the United States" and gave their platform in twenty-four short paragraphs. As a sample, here is the twenty-fourth paragraph: "They agree to serve without pay, to provide their own subsistence, and to remain in office, regardless of the Constitutional limitations, until assassinated."

25. A sister of O'Carroll.

26. James Clarence Mangan, 1803-1849. An Irish poet and writer whose "Dark Rosaleen" is often anthologized. Sterling is quoting the third and fourth lines of the fifth stanza.

27. Real name Irving Granich; proletarian author and political journalists.

28. One of the principals in the Los Angeles *Times* explosion of October 1, 1910. Entered prison for life sentence in June, 1917; paroled in August, 1939.

29. A famous actress, born April 3, 1876; died January 8, 1958. Played as a leading woman for James O'Neill, E. H. Sothern, Henry Miller, and Richard Mansfield. Was a star in her own right, especially in Shakespeare and Greek tragedy.

30. *The Freeman,* VII (August, 1923), pp. 548-549. This is a review by John Gould Fletcher of *The Poetical Works of Joaquin Miller* and Sterling's *Selected Poems.* One can't accuse Sterling, Fletcher writes, of Miller's self-advertisement, "rather is his the case of an arrested mental development. . . . His first book, 'The Testimony of the Suns,' contains in essence all that he has ever said since." Fletcher dislikes what he calls Sterling's "corroding skepticism" and finds him a "versifier lavishing his craft on subjects beneath the dignity of a true poet."

31. Apparently *The Freeman* did not print Sterling's reply.

32. Probably a reference to Ruth Wightman Morris, Gouverneur Morris' wife.

33. Across the top of the second page of this letter, Sterling has written: "Upton's coming here this month, en route for 2 mos. in the east."

34. Franz Geritz, a Hungarian painter and etcher, who made a specialty of block printing.

35. Sterling also wrote the captions for Fairbanks' "Thief of Bagdad."

36. Mrs. Ethel Turner gave me this copy of "Rosamund." In it Sterling had written: "Dear Joe: I'd like to read this melodrama before the L. A. 'Friday Morning Club!' Yours for 'the good old days.' George. San Francisco, Mch. 10th, 1924." The dedicatory page, as originally printed, read thus: "To / Albert Abrams / A.M., M.D., LL.D., F.R.M.S. / Great Genius and True Friend." Sterling has crossed this out violently and written: "For Joseph Ely O'Carroll from George Sterling."

37. Possibly a reference to the magazine Geritz edited.

38. Don Ryan, well-known Los Angeles newspaperman, in 1924 had a column in the old Los Angeles *Record*. In the same year Ryan published two issues of *Don Ryan's Magazine*. He writes me that the material sent by Sterling "never saw print because the magazine ended its short life."

39. Harry Kemp, *Tramping on Life* (1922).

40. Sterling is referring to Ferdinand Antoni Ossendowski, a Polish writer. The book is *Beasts, Men, and Gods* (1922).

41. Across the top of this letter Sterling has written: "O'Ryan may run 'A Lumberjack Yearns,' if he has the nerve." I assume he refers to Don Ryan.

42. Harry Lafler, San Francisco businessman and poet.

43. James Marie Hopper, San Francisco reporter, lawyer, staff writer for *McClure's Magazine*, war correspondent for *Collier's*, short-story writer, novelist.

44. Across the top of this letter Sterling has written: "Don't know when I can get down again – maybe in February."

45. See footnote 11.

46. Across the top of this letter Sterling has written: "The Lampman person didn't appear." Apparently this refers to Rex Lampman, poet and friend of O'Carroll.

47. Benjamin de Casseres, 1873-1945. American journalist, poet, and columnist.

48. Humberts Pedretti exhibited at the Pennsylvania Academy of the Fine Arts, Philadelphia, in 1926. Apparently he lived in the Los Angeles area.

49. The article appeared in the *American Mercury* for September, 1925.

50. Across the top of this letter Sterling has written: "I had a fine letter lately from the old Titanothere, Dreiser."

51. A Los Angeles painter, semi-abstract in style, who in his last years worked on the Federal Art Project. A memorial show of his work was held in June, 1940.

52. Probably B. Virginia Lee, formerly book editor of the monthly. Her name first appears officially as editor in September, 1925.

New Books

The Jerry Giesler Story. By Jerry Giesler as told to Pete Martin. (New York, Simon and Schuster, 1960. 341 pp. $4.50.) Reviewed by W. W. Robinson.

Jerry Giesler's story of how he successfully defended many of the Hollywood great is as entertaining as would be a collection of the television adventures of Perry Mason.

There is a close similarity, in fact, between the Pete Martin version of Giesler and the Erle Stanley Gardner account of defender Mason. In both cases the lawyer for the defense, through extensive and imaginative pre-trial investigation and consummate strategy, rescues wholly innocent defendants from the dastardly clutches of a district attorney.

The occasion for this publication is the fact that Jerry Giesler has defended Hollywood celebrities in the courtroom. Their cases dominate the book, interspersed with a few non-Hollywood oddities. A spiced fare is provided the reader through the reproduction of much gamy testimony, especially in the rape trials.

It is the defense's story that is told here. Nevertheless, it will convince—or almost convince—anyone that exact justice prevailed when Jerry Giesler obtained freedom for the defendants in cases involving Alexander Pantages, Errol Flynn, Charles Chaplin, Busby Berkeley, Bugsy Siegel, Lili St. Cyr, and others. Readers everywhere will be grateful for Giesler's untiring efforts to help his clients. There is little mention of defending individuals known to the defense to be guilty, other than a minor reference to a case in which Giesler represented, and got free, two men accused of selling stolen liquor. "Theirs seemed an unlikely tale to me," says Giesler via Martin, "but if the twelve good people and true on a jury decided they were innocent, what were my doubts against so many?"

The book concludes with a passing on to young attorneys of some of the "tricks of the trade," learned in part, Giesler admits, from Earl Rogers and Clarence Darrow—two idols with feet of clay. Young Jerry got his first law-practice job with Rogers, the most spectacular criminal attorney that California ever produced, of whom it could be said by his biographers that "close to a hundred slayers escaped the gallows through the efforts of Earl Rogers; and there is little doubt that most of them were guilty." When Rogers defended Darrow on charges of bribing jurors in connection with the *Times*-McNamara dynamiting case, his protege assisted him. Close observers of the Darrow trial—and they include this reviewer—still believe Clarence Darrow guilty as charged, as well as ruthless in methods and maudlin in his appeals.

It is rather sad, therefore, that Jerry Giesler has such admiration for these two men whose pictures adorn his office walls and whose virtues lay in the fact that they spared no efforts on their clients' behalf. Giesler has earned a high reputation in the southern California community through indefatigable research, imagination, and dignity in conduct. He has been president of the Beverly Hills Bar Association and of the Criminal Courts Bar Association, as well as being a member of the board of governors of the California State Bar. A Superior Court judge, Charles E. Haas, once wrote of him as "beloved of Bar and Bench"—and this is not in Giesler's book. The Rogers-Darrow influence clouds the man and the book.

Sensational, fascinating, and with many amusing moments, *The Jerry Giesler Story* contributes both to the southern California story and to the wider filmland world story. Place it on the shelf, properly, with the 250 other biographies and autobiographies of Hollywood's celebrities, several of which have been "told to Pete Martin"—but few of which can be called "great."

W. W. Robinson, a trustee and fellow of the California Historical Society, is author of *Lawyers of Los Angeles*, *Los Angeles from the Days of the Pueblo*, *Land in California*, *Ranchos Become Cities*, and of numerous articles on California history.

Apache, Navaho, and Spaniard. By Jack D. Forbes. (Norman, University of Oklahoma Press, 1960. 304 pp. $5.95.) Reviewed by J. Augustine Donohue, S.J.

A clash of cultures very important to the history of the Western Hemisphere is implicit in the title of this book. The late Professor Herbert Eugene Bolton held the thesis that Apache raids limited the Spaniard's northward advance, and prepared the marking of the present United States-Mexican boundary. Dr. Forbes, trained in the Bolton tradition by Professor Donald Cutter at the University of Southern

California, has gone behind the era of the raids to piece together the history of the period from 1540 to 1700, when this clash began.

To provide a detailed history of the era, Dr. Forbes has done an excellent job in collecting and evaluating the available material. The usual printed sources as well as anthropological and ethnological works have been consulted. Manuscript resources at the Bancroft Library and at the University of Texas, and archives in Mexico and Spain have been examined. Basically it is the Spaniard who speaks, for the Indian wrote nothing. And the Spaniard wrote for a variety of motives, all of which create a very uneven record full of obscurities and lacunae. Dr. Forbes has competently assessed his material, based his conclusions on the evidence, and from this confused and complicated material has written a good history.

The detailed recital of this border conflict furnishes an entirely new image of the Navaho and Apache. The warlike, cruel enemy of the Spaniard is seen developing. When the Europeans first approached them, these tribes enjoyed peaceful and valuable commercial ties with the Pueblo Indians. As the Spanish frontier came nearer, the Navaho and Apache found themselves playing a double role: they were targets of slave raids, and furnished asylums for discontented Pueblos escaping Spanish exploitation. The relatively peaceful traders and buffalo hunters gradually became the mounted enemy of the exploiter. The Pueblo Revolt of 1680, a final Indian reaction to Spanish injustices, was greatly aided by Navaho and Apache.

The Spaniard ultimately swept back into Santa Fe. His victory, however, was not complete. The intransigence of the Hopis testified to that. More importantly, the Apache and Navaho were now dedicated to hostility; and this enmity prevented or limited Spanish advance of the frontier in areas east along the Rio Grande and west in Arizona and Sonora.

Dr. Forbes has clarified a very confused quarrel. In so doing, he has skilfully refurbished the reputation of these tribes and emphasized the need to keep in view the unity of this northern Spanish frontier. That he has done so, is sufficient encomium of his style and of his research into a poorly recorded yet important aspect of American history.

A few minor criticisms might be made. The work seems occasionally to overcompensate for the nature of the sources. Even on this frontier the Spaniard is not always an exploiter nor is he the only exploiter; the Apache themselves traded in slaves, even selling fellow tribesmen into captivity. Nor is it entirely accurate, granted the perennial differences in their approach to the Indians, to lump together so thoroughly the soldiers, missionaries, and settlers.

The use of two technical terms might be improved. Page 135 describes an individual as an "unfrocked Jesuit turned Franciscan." Strictly to be unfrocked would mean the man was no longer a priest, and so could not be a Franciscan priest. More frequently, the title "Fray" is misapplied. In English the term is used only of Franciscans, so that it is incorrect to speak of the Jesuit as "Fray Eusebio Kino."

Despite the minor blemishes, *Apache, Navaho, and Spaniard* merits praise as a real contribution to the knowledge of the Spanish frontier, and of the cultural clash it occasioned. Perhaps Dr. Forbes will favor us in the future with a continuation of the history of the quarrel of Navaho and Apache with the Spanish and Mexican frontier.

J. AUGUSTINE DONOHUE, S.J., a specialist in the Southwest, is assistant professor of history at Loyola University of Los Angeles.

The Gila Trail: The Texas Argonauts and the California Gold Rush. By Benjamin Butler Harris. Edited and Annotated by Richard H. Dillon. (Norman, University of Oklahoma Press, 1960. 175 pp. $4.00.) Reviewed by George M. Ellis.

Perhaps no part of the history of the western movement has had such a grip on the attention of historians and readers alike as that headlong rush into history known as the gold rush. As has been pointed out by Dale Morgan, the era of the Argonauts was a profound national experience, reaching all levels of life and society in every state and touching the lives of people living in virtually every county in the United States.

These forty-niners took many routes to the gold fields. Some went principally by sea, around the Horn or across the Central Isthmus. Another group passed through eastern Mexican ports and crossed Mexico to Pacific ports for transshipment to California. Others went by land, either by the more popular—and more publicized—northern trails originating in the Missouri Valley, or by the lesser known—and sometimes overlooked—southern trails originating in Missouri, Arkansas, Texas, and Mexico. What the Platte-Humboldt rivers were to the northern trail, the Gila River was to the southern trails.

Of all these groups, those who traveled the northern route have received the most attention and have left the best documentary record of their experiences. Out of 30,000 emigrants estimated to have crossed South Pass in 1849, Dale Morgan has identified 132 diaries and letter collections. Of the 9,000 emigrants Ralph P. Bieber estimated used the southern route in 1849, the present reviewer knows of only 21 journals or diaries and a similar number of reminiscent accounts written by forty-niners who took this southern route.

Hence, the appearance of any new diary or major reminiscent account relating to the southern route is a matter of some importance in itself. With the publication of the memoir of Benjamin Butler Harris, edited by the distinguished librarian of the Sutro branch of the California State Library, considerably more can be said. This published work represents the work of two accomplished writers, Harris and his editor. The narrative never lags nor do the footnotes weigh it down. The editor skillfully helps the reader with geographic and biographic detail when needed. The selection and quality of the contemporary illustrations are especially noteworthy.

The editor has chosen to use primary sources sparingly in amplifying the Harris narrative. He cites only a few of the available primary sources applicable to various portions of the route, but those he does use, he uses well. Some readers may miss a well-organized introduction more clearly relating the route traveled by Harris and the Duval party to the opening of the emigrant roads across Texas and to the routes followed by other forty-niners who funneled into the Gila River portion of the southern trail.

The author's bibliography follows the practice of listing only items cited in the text. As a minor point, it might be noted that the diary of Cornelius C. Cox (cited p. 79) has been omitted and that a definitive bibliographic entry for the Harris memoir itself has not been provided. Further, the investigations by Mabelle E. Martin (1925) and A. B. Bender (1933) relating to the opening of emigrant roads through

Texas—which supplement Ralph P. Bieber's capstone work (1925, 1937) on the southern trails—would have made useful additions.

Harris was a member of the Duval party, which was one of the earliest Texas emigrant groups to strike out for the El Paso entryway to the southern routes. The Duval party, from the Dallas area, took a route westward across the Brazos, Little, and Colorado rivers and the wasteland of the Staked Plains to intersect at the Pecos what later came to be called the "upper emigrant road" to El Paso. Here the party had a historic meeting with the Neighbors-Ford expedition. From El Paso, their route took them by way of Corralitos, Janos, Guadalupe Pass, and the regular southern emigrant road to California. Only half of the narrative relates to the journey; the other half tells of the further adventures of Harris in the gold fields.

Harris was an intelligent, articulate observer. His attitude toward the Indians and Mexicans was typical of the frontier dweller. He could with unconscious irony call "noble" a Mexican official who treacherously planned an Indian massacre. His own exploits and the value of advice, which was sometimes not heeded, are extolled—but not more than could be expected in a pioneer's memoirs. The narrative is valuable for the insight it gives of the northern Mexican frontier as well as the impact of onrushing civilization on the Indian tribes. The reader gains much from Harris' observations that is so often masked in the work of more formally written accounts. In the literature of the southern trail, this full and interesting narrative of the Duval party is most welcome.

GEORGE M. ELLIS, a specialist on the southern trail to California, has spent over two decades examining journals and diaries in preparation for writing the history of this route.

Messenger of Destiny, The California Adventures, 1846-1847, of Archibald H. Gillespie, U. S. Marine Corps. By Werner H. Marti. (San Francisco, John Howell—Books, 1961. 147 pp. $12.50). Reviewed by Arthur Woodward.

Since the days of the Mexican War, 1846-1848, historians have jousted with each other over the enigmatic figure of Lieutenant Archibald H. Gillespie of the United States Marine Corps and the part he played in the winning of California, 1846-1847. At best he has been a shadowy character weaving in and out of the events marking the various incidents relative to the conquest.

Now, for the first time, Dr. Werner H. Marti of California State Polytechnic College at Pomona has, by patient sifting of manuscript and other sources, managed to bring the mysterious Lieutenant Gillespie into the limelight; yet in spite of all his research, certain phases of the Gillespie-Frémont controversy still remain unanswered.

This is not the fault of Dr. Marti. He has scrutinized and analyzed every scrap of correspondence left by Gillespie, now in the Gillespie Papers housed in the Special Collections Library, University of California, Los Angeles. Likewise he has delved into the Larkin Papers in the Bancroft Library, as well as into many printed sources bearing upon the war with Mexico. Dr. Marti's analysis has been painstaking and, I believe, unbiased.

For the first time some of Gillespie's background is brought into sharper focus. But the reason for his selection as a special messenger to carry certain messages from President James Knox Polk to United States Consul Thomas O. Larkin, and other interested parties in California, is still shrouded in mystery.

On the other hand Dr. Marti's delineation of the young Spanish-speaking marine, posing as a Havana merchant in Mexico City at a time when every foreigner was suspect, is quite convincing. No better disguise could have been selected by Gillespie than that of a Mexican horseman. In a city where the *sarape,* the low-crowned, broad-brimmed hat, red sash, and holstered *pistola* was common, everyday garb, he would cut less of a conspicuous figure than a man in *gringo* clothing.

Gillespie's journey across Mexico from the capital to Mazatlán, via San Juan del Río, Querétaro, Irapuato and Guanajuato, and on through León (the Sheffield of Mexico) into Guadalajara, was along one of the most picturesque routes.

To further maintain his disguise as a civilian merchant, Gillespie embarked at Mazatlán (after a six day's ride from Tepic, which distance is now covered in a few hours) for Hawaii aboard the sloop-of-war *Cyane.* It was not until April 17th, five months after he had begun his long journey from Sandy Hook on the Atlantic Coast, that Gillespie finally delivered his verbal messages to Larkin in Monterey, California.

How he reached John C. Frémont and participated in the Bear Flag Revolt and later took part in sundry martial and political activities in California are well set forth by Dr. Marti. If there are times when the reader wishes that editor and author had become more explicit in revealing some of the secrecy surrounding the activities of Gillespie, Frémont, *et al.*, one must remember that Gillespie himself revealed nothing at the time nor afterward concerning his actual instructions from President Polk. Gillespie's answer to a direct question put to him by a Senate committee relative to his verbal instructions which he was to deliver to Colonel Frémont was that he, Gillespie, was "to watch over the interests of the United States and to counteract the influence of any foreign agents who might be in the country with objects prejudicial to the United States."

This, it seems to me, left the door wide open for any action Frémont or Larkin might care to take.

I believe that Dr. Marti's summing up of the part Gillespie played in the occupation of California by United States forces is excellently done. "Archibald H. Gillespie's life presents an interesting example of a man who quite by accident became involved in a significant historical event."

The author also follows up this comment by a resume of Gillespie's meritorious exploits, his virtues, and his faults.

"Courage," says Dr. Marti, "was certainly one of these attributes, and combined with his driving energy and brilliant initiative, enabled him to overcome many obstacles."

Certainly his display of courage at the Battle of San Pascual, despite a jealous rebuff by General Stephen Watts Kearny the day before, speaks well for the man who could put personal feelings aside in an hour of need and fight with the proverbial tenacity of a member of the Marine Corps. It is, indeed, too bad that Gillespie's personal traits prevented him from retaining a more prominent niche in western history. As Dr. Marti states: "His extreme lack of tact shows Gillespie to have been a blunt, outspoken and humorless person who made few friends but a good number of enemies. Vindictiveness was also present in his nature, a fact which undoubtedly alienated many people." The cloud which hung over him after his resignation from the Marine Corps in 1854 was never dissipated, and he died in San Francisco on August 14, 1873, in comparative obscurity.

All in all, I feel that Dr. Marti has done an excellent bit of research on a man concerning whom little is actually known, and he has drawn together the scattered threads of a tangled skein of historical events in a skillful manner. The volume is a fitting companion to the other books in the John Howell Series on the U. S. Navy in Old California; and Lawton Kennedy has, as usual, scored again.

ARTHUR WOODWARD, formerly chief curator of history and anthropology at the Los Angeles County Museum, is author of *Lances at San Pascual* and coauthor of *The Story of El Tejón.*

Frémont's Fourth Expedition, A Documentary Account of the Disaster of 1848-1849. Edited by LeRoy R. Hafen and Ann W. Hafen. (Glendale, The Arthur H. Clark Company, 1960. 319 pp. $12.00.) Reviewed by Richard C. Schwarzman.

Though he got off to a somewhat unpropitious start in life, John Charles Frémont was a man upon whom the gods smiled more than they frowned. He was blessed not only with an intelligent wife, but also an extremely influential father-in-law. Thomas Hart Benton was never a man to take a back seat when it came to saying or doing something which might reflect on himself or his family, and Frémont followed in his footsteps in this regard. Both men were responsible for the publication of tens of thousands of words during their lifetimes, and hoped for even more. Though Frémont was disappointed in the publication of his multi-volume memoirs, he would have been pleased with the publishing that has been undertaken in his name in recent years. In the last six years no fewer than five volumes concerning these men have been offered to the public, and still other scholars' minds are busy with other Frémontalia which might help either to build the myth or tear it down. Professor Hafen in editing this volume seems to have done his best to steer a middle course.

The heart of the volume is contained in the Fort Sutter papers at the Huntington Library in San Marino and is composed primarily of the diaries and letters of the Kern brothers. In addition to these, Hafen reprints many accounts long since out of print and scarce. From this point of view, the volume is of value to the scholar.

It should be noted, however, that this is the eleventh volume in a series being published by the Arthur H. Clark Company whose primary intention is to reproduce historical data which has long been available to the peripatetic scholar, but not to the sedentary one. The major difficulty with this type of effort is not what is reproduced (the material included in these volumes and their general format has been excellent), but what is omitted. Unfortunately, this volume offers a number of examples of this type.

The editing of manuscripts is a ticklish business at best, and the editor is constantly faced with decisions as to what should be included and what left out. In general, the "what left out" area should be as close as possible to nil if the reproduction is to be valuable to the scholar. Here again one comes to a division of the ways. There is internal omission and external omission: those things which might have been included as corroborative evidence, and those things which the original author wrote and then thought better of. In a few instances Professor Hafen seems to have fallen into both pitfalls.

For example, the original entry for January 15, 1849, in the diary of Richard H. Kern reads: "Clear and cool started for the river met return party passed Proulx body wolves had gnawed off the toe." This entry is crossed out together with the entry of the following day, and a new entry is made on the next page. It reads: "Party returned from above." It seems that this original entry might have been included with a note. Richard Kern never mentions bodies in the rest of his diary, though he must have seen some, and Benjamin Kern's diary stops two days before Proulx's death. Why? This type of approach also leads to historical inconsistencies. William Brandon in his *The Men and the Mountain* (1955) quotes Dick Kern as describing one of the men of the expedition who had been discomfited by falling in the river while chasing buffalo as taking "it all philosophically." One looks in vain for such an entry in the published version of the diary because in the original it has been crossed out and another phrase substituted. The substituted phrase is reproduced without note.

Under the heading of external omission, the most glaring instance is the publication of an edited report of Richard Kern's diary. This report, one of the most critical reports as far as Frémont's leadership was concerned, is, as published, a third or fourth republishing of the account. It is termed by Professor Hafen a "campaign document," though he fails to identify the Bigelow biography as such. From the document as published in this volume, it is evident that the first publication of this version was in the Quincy, Illinois *Whig* in 1849—not a campaign year. Apparently Hafen does not feel that this was actually published in the *Whig* of that year; and yet, in order to reach this conclusion he must ignore or discredit a letter, a copy of which is in the Fort Sutter Papers. This letter is from R. H. Kern to Captain Andrew Cathcart, one of the other members of the expedition. Among other things which might be considered to have some relevance to the present volume, it details the misfortunes of Joseph Stepperfeldt in his effort to return to his home in Quincy, Illinois, after his suffering in the mountains with Frémont. From this letter it is evident that Stepperfeldt carried the Kern account, edited or unedited, to the east with him and "published Frémont." (Brandon also misinterprets this letter though he does use it in his work.) Why Professor Hafen did not note this letter, even if he doubted its authenticity, which there seems to be no reason to doubt, must remain a mystery.

Historians have in recent years actually found that there is a third division of source material, though in most instances they have not recognized it. This is the "edited original" source. Unfortunately, no matter how well it is edited, who edits it, or how well it is presented from the publisher's point of view—and this volume doesn't fall short in any of these areas—it must be recognized that another human judgement is introduced into the process of historical evaluation. This is a process of distillation, and unfortunately the essence that results may not always meet the demanding needs of the scholar. The "smell" and "feel" of original material has a tendency to move the scholar's adrenal glands, be he "greenhorn" or "veteran." While edited sources of material have the advantage of availability, they have their disadvantages too.

Professor Hafen has done an excellent job of marshalling the material, both literary and visual, organizing it, and presenting it without many Bancroftian footnotes. Scholarly endeavor, however, should enclose within its boundaries some elements of the detective story, locating evidence and interpreting it. Unfortunately, this type of work has a tendency to minimize the interpretative aspect. To paraphrase Jefferson, each generation of historians should be allowed to make its own mistakes.

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California's Architectural Frontier: Style and Tradition in the Nineteenth Century. By Harold Kirker. (San Marino, Huntington Library, 1960. 224 pp. $7.50.) Reviewed by Joseph Armstrong Baird, Jr.

Harold Kirker has written the first serious survey of northern California architectural history in the years between 1835 and about 1905. The particular emphasis on urban architecture (notably that of San Francisco), in text and especially in the 64 illustrations, is based on the greater number of documented architects in these urban areas. The book is essentially a study of personalities and their work, with useful transitional material on materials, costs, demography, climate, etc. Based on a thesis for the history department at the University of California at Berkeley, the book has the somewhat dry, solidly factual armature of most theses. This is its strength. It is the only available architectural history of the era between gold rush and the silver age (it concentrates particularly on the 50's and 60's of the last century) which introduces accurate archival research into what has heretofore been too often a mish-mash of romantic exaggeration, outright legend, and utter confusion. Hoover and Rensch's excellent *Historic Spots of California*, and the various guides dating from the Federal Writers Projects of the 1930's, set the stage for more discerning socio-historic evaluations of the 19th century buildings. Kirker has provided us with a fundamental key to a better understanding of the personalities behind those buildings; and his Biographical Sources section (as well as the Bibliographical Notes that precede it) suggests the background and training of the men who constructed the buildings which are all too quickly disappearing from northern California. The illustrations, taken largely from well-known but in many cases unpublished sources, are a cross-section of the rapid adaptation of new building principles and especially of new fashions between 1849 and the end of the 19th century.

As much as one must praise Kirker for his solid archival work here, there are also a number of less desirable aspects of the book. The book title is melodramatic and misleading: the original thesis title was "California Architecture in the 19th Century: A Social History." Kirker himself points out that California and particularly northern California was "not part of the American frontier at all." But more serious, and not to be excused as a perhaps necessary part of publicizing a book, is the architectural historical confusion and aesthetic inconsistency of the text proper. The plain fact is that when he wrote this work Harold Kirker did not fully understand western European and American architectural history in the same way as he understood social history, and the book suffers consequently. Admittedly, there has not yet been any completely acceptable division of period in the dizzying succession of eclectic fashions from Classical Revival to Colonial Revival. Still there is no reason to confuse Louis Philippe with Louis Napoleon and the Second Empire (p. 67), nor to refer to neo-classic (which could as accurately be Neoclassical) in a variable manner as the context suggests, nor to capitalize historical styles one time and not another (thus, baroque but Greek Revival, etc.). It is tedious to see that the aesthetically pejorative qualities which the 19th century attached to certain terms such as Baroque, as well as a complete disregard for Mannerism (now an accepted part of western architectural nomenclature), still clings to Kirker's book. If he, like his readers, could only have read Pevsner's easily available *An Outline of European Architecture* with greater care, he would have been more aware of contemporary scholarly evaluations of past and present architectural history.

In so large a coverage, there are relatively few gross factual errors. Seth Babson (born, incidentally, in 1828) was "chief architect" for E. B. rather than Charles Crocker (p. 48). Babson's house for Shelton Fogus in Sacramento (p. 67) does *not* "survive in greatly enlarged and altered form as an art gallery" (Kirker has confused Babson's Art Gallery for E. B. Crocker at 216 "O" Street with the revised and enlarged Fogus-Stanford house at 800 "N" Street). Such disputable aesthetic judgments about details of the Fogus-Stanford house as "cumbersome French decorations" (when they are hardly cumbersome or French) would better have been eliminated, as well as the arbitrary if understandable enthusiasm of the writer in saying: "When the great age of California building ended in 1869." The Feusier Octagon on Green Street, Russian Hill, San Francisco (p. 64) was constructed with gravel and concrete walls (it was the concrete that made Fowler's octagonal houses structurally progressive; one can hardly conceive of gravel walls alone having much stability). In the McElroy Octagon at 2615 Gough Street, San Francisco, the staircase in the present *revision* by Warren Perry rises in squared flights at the west side of the house, not as a circular staircase in the center (p. 64). It would be both unkind and unfair to maximize such minor errors; Harold Kirker has provided the reader with much valuable material. It is only regrettable that he did not exercise as much care in establishing his architectural historical framework as that of his biographical and social history.

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The Rampaging Herd: A Bibliography of Books and Pamphlets on Men and Events in the Cattle Industry. By Ramon F. Adams. (Norman, University of Oklahoma Press, no date. 464 pp. $15.00.) Reviewed by John Swingle.

The Rampaging Herd is a round-up of two thousand, six hundred, and fifty-one entries of books and pamphlets on men and events of the cattle industry, with the exception, as the author notes, of books on cowboy songs and cowboy poetry, dairying, cattle diseases, and breeding. In other words, it covers the American cowboy and cattle trade and is the complement to the author's previous bibliography, *Six Guns & Saddle Leather*, which concerned the Western outlaw and gunman. Mr. Adams has done his best to separate fact from fiction in his witty and perceptive comments on many of the entries and he obviously has an astonishing breadth of knowledge of the West in general and the cattleman in particular. He is also an enthusiastic man and a generous one, especially in giving credit and recognition to those who helped him in his monumental task, including some members of the California Historical Society.

In his introduction, Mr. Adams writes that in the days of the great cattle drives, the cattleman's "unique character and picturesque calling attracted the attention of the whole nation" and that "... despite the fact that the day of the open range and the cattle trail ended long ago, the cowboy still, to this day, remains the most picturesque character upon the American scene . . ." He mentions the countless books and pamphlets on the subject: "Every Western state and territory, and often each county in a territory, issued pamphlets emphasizing the many attractions of the district for the land-seeker, most often stressing its advantages for cattle-raising." And here in *The Rampaging Herd* are names of the West such as Jesse Chisholm, Tom Horn, "Cheyenne" Dawson, Teddy Blue.

Those whose interest is limited to the ranchos and cattle trade of Spanish California will find cited works by Robert Glass Cleland, Susanna Bryant Dakin, Richard Henry Dana, William Wilcox Robinson, and others; but it is not unfair to say that the California cattle industry has not received the treatment accorded by Mr. Adams to the whole American West.

Also, Mr. Adams has attempted the impossible task of trying to classify his entries by the terms O.P. [out of print], Scarce, Very Scarce, Rare, Very Rare, Extremely Rare, Exceedingly Rare, and Excessively Rare—and has failed. Close study shows such inconsistency in the use of these terms that they become meaningless and misleading. No bibliographer should attempt such a herculean labor except through rigid definition of terms, supported by facts. And no collector should take too seriously the simple citation of Mr. Adams' terms by a bookseller trying to sell books.

This is a bibliography, however, which is, and will remain, the authority in its field. Anyone whose interest is the American West must have it.

JOHN SWINGLE is a bibliographer and collector of rare books.

RECENT CALIFORNIANA

A Check-List of Publications Relating to California

Compiled by M. P. Servín

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Book of Remembrance

On view in the Society's library is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund. Below are names that have been inscribed for 1960 and 1961.

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In Memoriam

JUDGE ORLA ST. CLAIR

Although Orla St. Clair had taken an honored place on the bench, the lawyers of San Francisco continued through the years to accept him as one of their own.

Orla had served them as president of the Bar Association of San Francisco. Having been one of its most active presidents, he was always popular with the lawyers and their wives—particularly with the many committeemen and delegates who are the life-blood of a voluntary professional organization.

Both Orla and his devoted wife Evalyn were always included among those invited to Bar Association gatherings. This warm and lasting relationship helped to explain the gloom that quickly enveloped the entire San Francisco delegation to the State Bar Convention in Los Angeles on September 29th, when word was received that Judge St. Clair had died as the result of a severe paralytic stroke suffered the previous day.

Judge St. Clair was in Los Angeles attending the Conference of California Judges. He had presented a committee report with his usual persuasiveness on the opening day of the conference, and had attended the judges' reception and dinner the night before he was stricken. It was on the day of his death that he and Mrs. St. Clair had planned to leave for a delayed vacation in Palm Springs.

Those who knew that Orla St. Clair was an able judge, and a fair one, were many. Not so wide was the circle of those who had a full comprehension of how generously this tall, friendly man gave of both precious time and his own strength in support of worthy causes. His specialty, if he had one, was the leadership of causes dedicated to the rehabilitation of those people usually encompassed within the concept "life's unfortunates."

Orla was serving as president of the Northern California Service League, an organization offering guidance in the readjustment of men released from prison. This was one of his favorite activities, and one in which he provided effective leadership for several years. He had also been president of the Better Business Bureau; he served on the Salvation Army's advisory board; he was a member of the Commonwealth Club of California's Board of Governors; and he served as commander of his American Legion Post.

It was while he was president of the Bar Association of San Francisco, and had just finished hosting the American Bar Association's convention in San Francisco, that Governor Earl Warren appointed Orla St. Clair to the Municipal Court on September 24, 1952. Governor Goodwin J. Knight appointed him to the Superior Court bench on January 22, 1954.

Orla St. Clair was born in Santa Rosa on January 7, 1903. He graduated from Berkeley High School in 1922, from the University of California in 1926, and received his *Juris Doctor* degree at Boalt Hall in 1928. He was admitted to the practice of law in 1928.

His survivors include his wife Evalyn, whom he met while they were both students at Berkeley High, his mother, Mrs. Anna P. St. Clair, and a brother, Arthur P. St. Clair.

Whether presiding over a trial, listening to an argument at a Bar Association reception, or participating in the discussion as a director of a charitable group, Judge St. Clair had a habit of indicating by a nod and a smile, without a word, that he understood the point being made, that he knew how deep the thrust and how telling the blow. Those who knew him best must surely have believed that he would have spared just such a nod and a smile for Reverend Browne Barr, as he concluded the services at Orla's last rites:

"Perhaps the truest testimony to Orla St. Clair is not in the genuine sorrow of the important and public figures who mourn here this day, but in the quiet grief of some unknown and lonely derelict who has read the papers and knows he has lost a champion and a friend."

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The Instructions of Viceroy Bucareli to Ensign Juan Perez
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SEPTEMBER 1961

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California and the Nation:
A Tally of Two Histories

By John W. Caughey

As Californians we are, of course, citizens of the United States. In a special sense we consider ourselves heirs of the English nation and people, heirs too of medieval man and medieval institutions, heirs of the Greeks and the Romans. By virtue of immigration and by transfer of ideas we feel an affinity and an indebtedness to modern Europe. We and our ways are somewhat derived from Asia and Africa. In other particulars our civilization has been influenced by the America that was before Columbus, and even by the far-flung area of the Pacific. In short, if we take full account of our backgrounds as well as of our current outlook, we are citizens of the world.

A case can be made that the only kind of history to study is world history. We need to consider the human race in its entirety. We need to acquaint ourselves with the people of the world in their interrelations. We can profit by studying the features that are analogous. We will find some things that are common in human experience, even when there is isolation.

Few of us have the languages to take on this full assignment. The sources and the literature of world history are overwhelming. The setting is so extended and so diverse that even with the advantages of modern transportation we cannot learn it adequately. The complexity of the subject is enough to defeat most efforts.

John W. Caughey, professor of American history at the University of California at Los Angeles and Fellow of the California Historical Society, received his doctorate from the University of California, Berkeley. A renowned specialist on California and the West, he is editor of the *Pacific Historical Review* and author of a dozen volumes on California and Western history.

This paper was presented at the first meeting of the California Historical Society at its Southern California headquarters, El Alisal, on May 25, 1961.

Consequently, the practice of historians usually is to settle for a more modest sample. Usually it is a sample chosen for its inherent attractions, and often without concern for its tie-in with universals. Nevertheless, whatever segment we select is a sample. And each such sample is susceptible upon examination of being classified as random or selective, warped or true, representative or misleading, discriminative or nonsensical, illustrative or exceptional, a sample of convenience or one that can be honored as "scientific."

One fetish that has grown up among historians is to hold that a dash of antiquity hallows the subject or sample chosen. By this token the study of Old World history is adjudged a cut above that of New World history. (Here I do not press my opinion; I merely report.) By the same token a historian is often thought to be on better ground if he attempts an appraisal of the governorship of Gaspar Portolá rather than that of Edmund G. (Pat) Brown.

Another even more widespread assumption is that, of any two samples of world history, the one that is larger is presumably to be preferred. Thus, if a college student has time for but one course in European history, he is almost always advised to choose one that embraces the whole continent rather than one that is narrower.

That is not exactly the way it works on this side of the Atlantic. The history of the New World has far less patronage than the history of the United States. But the proposition that the history of our nation is more to be esteemed than the history of any of its parts has almost universal endorsement. Indeed, it is a proper question to ask why I say *almost* universal endorsement. The qualifier is there because, tonight at least, I am about to maintain that this broad proposition is not necessarily so.

As an alternative sample, a citizen of the United States, and of the world, might profitably choose to study his own state and its history. Especially if that state is California. The majority of my professional colleagues would dismiss this suggestion as unfashionable, heretical, and arrant nonsense. This I know without asking them.

There is, of course, one formidable argument against my counterproposition. California is only one part of the United States, and the United States as a nation is something more than the sum of its parts. If one could know everything about United States history, he would be closer to apprehending the history of the world than if he merely knew everything about California history.

My proposition has to be a bit more modest. On a portal-to-portal basis—in a given period of study time (say half a lifetime)—one who concentrates on California's history might make as much progress toward understanding the aspirations, experiences, and achievements of mankind as if he had elected the history of the United States.

There are some obvious conveniences. The locale is smaller and closer at hand. The climate is better. The cast of characters is more compact. The source materials are not all right here. I remember Herbert Eugene Bolton saying, "I am an American historian (and he might as accurately have said, "I am a California historian"), therefore I have to do my research in foreign archives." On the whole, however, the materials for the study of California history are handier.

A half dozen arsenals of research materials are already assembled: the Bancroft Library, the Huntington Library, the State Library, the UCLA Library, the California Historical Society collection, the Los Angeles Public Library, the Stanford Library, the Mason collection at Claremont, the Southwest Museum. True enough, some important collections got away—the William Robertson Coe collection (and the first Coe professorship) to Yale, and the Morse collections of Bret Harte and Mark Twain materials. A dozen or a hundred private collectors are amassing other significant holdings.

The Huntington Library, the California Historical Society, and the University presses regularly add to the publications available. Westernlore, Dawson, Howell, Ward Ritchie, Clark, and several other private presses enter this same friendly competition. The Huntington Library makes grants in aid of research on California topics. And a small army—not so large as a regiment, but not so small as a corporal's guard—keeps slogging away at the study and writing of the history of our state. Anyone who wants to pursue this branch of historical study can count on company and on help.

Are there tangibles in California history that we can measure in relation to corresponding ones of the United States? Let us begin with size. Our unseen host tonight, Charles F. Lummis, called our land "the Right Hand of the Continent." A cutout of California overlaid on the corresponding part of "the Left Hand of the Continent" spreads from

Charleston, South Carolina, to Cape Cod, and with depth enough to cover the Tidewater, the Piedmont, and the Appalachians. This is the Cisappalachia that Clarence W. Alvord used to talk about. Here we have "the Colonies" save only Georgia, Maine, and perhaps New Hampshire. Here we have the arena of the Revolution, except for Benedict Arnold's march on Canada and George Rogers Clark's conquest of Illinois.

There are Americans who still feel that not much of importance has transpired in the United States outside this main stem along the Atlantic Coast. It is the America of John Smith and the Pilgrim Fathers, of Washington, Franklin, Adams, Hamilton, Jefferson, Calhoun, Webster, the Roosevelts, the Kennedys, Marshall, Holmes, J. P. Morgan, Harvard, Princeton . . . This list could go on indefinitely. Even if we do not accept all the contentions of eastern provincialism, here is proof that such an area is large enough to contain much historical substance.

Since history is made by people more than by space, population may give us a better clue. California is now pressing on the sixteen million mark; may indeed have passed it. When did the United States reach that size? The answer is in the presidency of Martin Van Buren, shortly after the Panic of 1837. In all probability it was in the first half of 1838.

Does that mean that $h_c = h_{us} - (1838\text{-}1961)$? That the history of California is equal to the history of the United States to 1838? I have put this question to student after student. Not yet have I found one who would say yes.

I believe I know why. These historians I have been trying to pin down know a great deal about the history of the United States. They have in mind the sufferings and endurance of the first colonists. They call to mind the hard work of wresting the land from the Indians and of subduing the wilderness. They remember the ingenuity shown in making a living an ocean removed from Europe. They think about the lessons that colonials learned in politics and government. They think of the winning of independence and the establishment of a new government, a makeshift one in 1775, a formal constitutional one in 1781, and another on an improved order in 1789. With territorial expansion to the Mississippi in 1783, to the Rockies in 1803, and southeastward as far as Key West in 1819, the nation was halfway toward its present dimensions. Within this span of years is all that we associate with Washington, Franklin, Jefferson, Monroe, and Jackson.

This is the history, furthermore, that absorbed the attention of such giants among historians as Francis Parkman and Henry Adams, Charles M. Andrews, Herbert Osgood, Lawrence Gipson, Thomas J. Wertenbaker, Carl Bridenbaugh, and the younger A. M. Schlesinger, Jr.

What loyal American can admit that California history might equal all that? And yet, perhaps what this formidable United States record demonstrates is that when in the course of human events, a people has risen all the way to 16,000,000, the accrued history can be a respectable quantum.

Perhaps there are better measures than square miles and round numbers of population. Suppose we try it on a crassly materialistic basis. What was the accumulated wealth of the United States in 1838 as compared to that of California today? Compare the inventories, US 38 and Cal. 61, in buildings, in roads and other transportation facilities, in plant and equipment. Compare the gross annual product, expressed in commodity dollars, from agriculture, from the forests, from mines, from industry. What was the volume of business transacted? What was the annual expenditure for government? I shall not burden you with exact statistics on any of these points, but the answer to every one of these questions would be that the United States holdings and output in 1838, by each of these measures, was less, much less, or even trivial, compared to that of California in 1961.

On a more elevated level, what is the comparison in library holdings? California has times over more books stacked up on its shelves. (They're having to burn them up in Sacramento.) In educated men? California is far ahead. In emancipated women? We may wonder whether by modern standards there were any in the United States in 1838. Certainly America was not a community property state. In emancipated Negroes? The United States then had most of the way still to go. In care of the sick, the insane, and the criminal? The United States then was exceedingly primitive. Even with capital punishment still practiced, we are times over more humane. As concerns respect for the rights and liberties of individuals, we are not letter perfect, but our rating clearly should be better than that of the slave-holding and Indian-removing nation of 1838. Perhaps there are more reliable cultural indexes: how many eminent men of science, what art exhibits, what musical performances, what patronage of the arts, what caliber of schools and colleges, what percentage of literacy? Here too the competition is one-sided.

Shifting criteria abruptly, let us compare the worldwide awareness of the United States in 1838 and of California in 1961. It is hard to reconstruct how obscure and insignificant the United States was on the world scene in the early nineteenth century. That is as difficult to realize as it is easy to note how widely known and sometimes heralded California is today.

Reputations of course can be false. Let us climb back to something we can measure with more confidence of significance. What is the comparison of the state of historical scholarship on the United States in 1838 and on California in 1961?

Suppose an immigrant, landing in 1838, had wanted to Americanize himself quickly. What histories and biographies would an alert bookman have recommended to him? And how would that reading list compare with the best California reading list that could be assembled for citizen No. 2,525,252, who is due to knock on Los Angeles' door any minute?

The new American might have been referred to Parson Weems' *Washington*, preferably the 5th edition (1806) because it introduces the cherry tree anecdote; or to John Marshall's five-volume *Washington* (1804-1807), ponderous, dull, and plagiarized; and for good measure to the twelve volumes of Jared Sparks' blue-pencilled edition of the *Writings of George Washington* (1834-1837).

With Francisco Palou's *Vida . . . de . . . Junípero Serra* (1787), Maynard J. Geiger's *Serra* (1959), and any dozen of Bolton's documentary volumes, the new Californian can get off to a much better start. These books offer adulation better reasoned, compendiousness far better assembled, and source materials meticulously rendered and wisely interpreted.

Our new American might have been happier with original narratives such as John Smith's *True Relation* and William Bradford's *Plimmoth Plantation.* With original narratives California is well supplied also. Miguel Costansó's diary of the Portolá expedition had been published in Mexico in 1770. William Shaler's circumstantial description of the California he saw as a sea otter man came out in 1808. And Richard Henry

Dana's *Two Years Before the Mast* issued just two years after the magic date of 1838. Reaching on to the present we could regale our new recruit with Patrick Breen's Donner diary, the *Shirley Letters,* a surfeit of Gold Rush narratives, and not quite countless others.

For outright histories, our immigrant in 1838 could have chosen from David Ramsay's *History of the American Revolution* (1789), Mercy Warren's *History of the Revolution* (1805), Jedidiah Morse's *Annals of the American Revolution* (1824), and Noah Webster's *History of the United States* (1787). Much more probably, an alert advisor would have pushed George Bancroft's *History of the United States,* the first two volumes of which had appeared in 1834 and 1837. It was, as Bancroft himself said, "intended for the unlettered portion of the community." Throughout the generation to come, and, indeed, longer than that, Bancroft's *United States* was regarded as the ideal presentation and exactly the interpretation most likely to mold good Americans. One drawback, however, was that Volume I came forward only as far as 1660, and Volume II only to 1689. Our eager student of the history of his new home would have to wait until 1885 for the volume that would carry the story to Washington's inauguration.

Had this same immigrant chosen California in 1838 a small shelf of books might have been laid out for his inspection. Among them would certainly have been Miguel Venegas' *Noticia de la California* (1757). It is still reckoned the starting point for histories of California, and, incidentally, it was even more plagiarized than the works of Weems, Marshall, Ramsay, or Warren. As Charles E. Chapman pointed out, and before him Fidel Fita y Colomé, the real author of this work was another Jesuit, Andrés Marcos Burriel.[1]

Along with the Burriel-Venegas work might have been offered Johann Jakob Baegert's *Nachrichten von der Amerikanischen Halbinsel Californien* (1771) and Francisco Javier Clavigero's *Storia della California* (1789). These three works are in as many languages, but then all Europeans are great linguists, so that would not matter. They deal, it is true, only with Baja California, somewhat of a shortcoming, but their terminal dates at least were much closer to the present than George Bancroft's 1689.

A year later, in 1839, we could have provided our imagined student a history of California in English, the one by Alexander Forbes. And as early as 1836 he could have had a copy of the first book published in California, the famous *Tablas para los niños que empiezan a contar.*

Of course, in tarrying with the published California history available in 1838 I am violating our first principle—that the valid comparison is for the period of the build-up of the first sixteen millions of population. For California on this improved basis we then have the spacious shelf of Hubert Howe Bancroft's *Works,* thirty-nine volumes of them, with a certain amount of depreciation claimed on the parts somewhat remote from California. The fashion has been to depreciate this Bancroft on other grounds as well. That is a whole subject in itself. In our present context it may suffice to remark that, whereas George Bancroft is read now only by antiquarians and specifically those interested in the histary of American historiography, our Bancroft is still the foundation for every working library on the Far West, still consulted, still read (in parts), still relied on, and sometimes cited.

The great Bancroft history may be garnished with the four volumes by Theodore H. Hittell (1885-1897), the five edited by Zoeth S. Eldredge (1915), and the shelf of ten engineered by the Powell Publishing Company (1929-1931). In their companion volumes in 1921 and 1922, Charles E. Chapman and Robert G. Cleland were able to draw on source materials that had eluded the late nineteenth century businessmen historians, particularly the resources of the Spanish and Mexican archives. Add then the research contributions of Herbert E. Bolton and Henry Raup Wagner and a host of others carrying on to today's busy scholars such as Dale L. Morgan and John H. Kemble, Fred Rogers and W. W. Robinson, and we have a wealth of published history that far outshines the best and the total on the United States as of 1838.

History, as everyone knows, is a comparatively late-blooming art form. If we take literature as our trace element, surely the United States to 1838 will fare better. Now we can include Benjamin Franklin's *Autobiography,* the war of the pamphlets that preceded the Revolutionary War, the panegyrics of Thomas Paine and Philip Freneau, the novels of James Fenimore Cooper, Washington Irving's *Sketchbook* and several of his other works, and the early poems of Edwin Bryant. Edgar Allen Poe's prize-winning tale, "MS Found in a Bottle," was in print, as was also *Nacoochee,* his first volume of poetry. Ralph Waldo

Emerson had already earned reputation as an essayist and a lecturer, combining the two talents in his Phi Beta Kappa lecture at Harvard in 1837 on the American Scholar. This is by no means the complete list of literary people of merit productive by 1838.

Can California match it? Dana and Dame Shirley give us a start. Ambrose Bierce, Prentice Mulford, Bret Harte and a bit of Mark Twain, John Muir, Frank Norris, Jack London, Mary Austin, William Saroyan, John Steinbeck, Robinson Jeffers, and company are a real gold mine of talent. Quite possibly I have omitted a favorite writer: Edwin Corle, George Stewart, Idwal Jones, Oscar Lewis, Aldous Huxley, Robert Louis Stevenson, Helen Hunt Jackson, Will Irwin—this list is by no means exhaustive. My preference goes to them above the Irving-Cooper-Bryant group.

Long since, I am sure, partisans of the Left Hand of the Continent are muttering unfair, unfair. By ringing in on the California side the century and a third from 1838 to 1961 there is a rigging of the contest. With automation, mechanization, the internal combustion engine, the Fourteenth Amendment, schools for writers, schools for historians, federal aid for education, tax-exemption inducements for patronage of the arts, government initiative and financing for public improvements, rampant urbanism, and other powerful catalysts for development on all fronts, of course California as of 1961 can outscore the United States of 1838.

To that accusation there is only one answer. All this I must admit, all this and more. This is the reason above all others why California history shines. Because it is longer, the history of California to sixteen million is richer than the history of the United States to the first sixteen million. It also has far better relevance to the world we live in. What kind of preparation for our era is it to know nothing about the industrial revolution in America, about life with the automobile and the airplane, the telephone and the nuclear bombs? What kind of preparation for world citizenship is it to have the story end with the United States ensconced as it was in 1838 in comfortable isolation, walled in by the Atlantic and the Rockies and protected by the untested paper blockade of the Monroe Doctrine?

This brings me back full circle to the question we started with—for the purpose of apprehending world history, what are the relative merits of focussing on the history of California or on an equivalent helping of the history of the United States. I have not presented a run-down on all possible elements in such a study. I have deliberately omitted one in which California is often charged with a great deficiency—war. It is true that we have had next to no fighting right here in California—San Pasqual and the Modoc campaign, it is true, but as more typical we might cite the Battle of the Old Woman's Gun and in World War II the Battle of Los Angeles. For a peace-loving nation, the United States, in contrast, has had an inordinate number of wars, and this element of alleged "superiority" over California is not demolished by pointing out that the biggest of these wars came after 1838, among them the Mexican War, the Civil War, the Spanish-American War, the first two World Wars, and the Korean War. I have omitted war from the comparisons, but I have not deliberately selected the elements that would be most favorable to California. I have not made detailed comparisons in the history of science, the history of education, power from petroleum, electrification, or use of what we call the mass media.

In certain quarters I can well imagine that this tally of two histories might seem to have the color of being un-American. That is not my intention. I have the highest respect for what was accomplished in the formative period of the Revolution and its immediate aftermath. I am not purposely un-American, just pro-Californian. And though I have cast much of my talk in a vein of let's choose one or the other, the conclusion I would like to stress ought to be able to stand alone. It is that the California sample of world history, extending from a prehistoric setting and primitive society, through great variations, to the high modernity of the present, is a reasonable, appropriate, and possibly even an adequate make-ready for Californians, Americans, and worldlings entering upon the New Frontiers of the 1960's.

NOTES

1. Chapman, *History of California* (New York, 1921), p. 492, citing Fita y Colomé, "*Noticia de la California,* obra anónima del P. Andrés Marcos Burriel," Real academia de la historia, *Boletín,* LII (Madrid, 1908), pp. 396-438.

The Forgery of the Broderick Will

By David A. Williams

THE DEATH OF David C. Broderick following his duel with Chief Justice David S. Terry, of the California Supreme Court, in September, 1859, closed one of the most dramatic and colorful careers in the political history of California. Few writers of fiction have developed more dramatic incidents and figures than those which comprised the story of the duel and the drama that closed with his death. The story was not complete, however, for scarcely had the grave been closed, following the most impressive funeral that San Francisco had ever seen, than the wrangle over the estate of Broderick began. A new chapter in the story opened—a chapter that included all the elements for a mystery story. Before it concluded, prolonged litigation involving both the state and local courts resulted. Almost two decades passed before the Supreme Court answered the last legal question and put an end to the litigation. By that time most of the principals had died; and the mattter, once of absorbing public interest, was passing into the dim recesses of memories of San Franciscans.

The death of Broderick came as somewhat of a surprise to San Francisco. In spite of the fact that Broderick regarded his wound as serious, the attending physicians were inclined to be optimistic. The physical condition of the patient seemed to support the views of the doctors. Although he was in some pain from the time he had been wounded, he was able to converse with the friends that gathered around his bedside at the Leonidas Haskell house. Frequent bulletins were issued, and they were generally encouraging. On the night of September 15 his condition changed for the worse; in the morning at 9:20,

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after a period of some hours in which he lay unconscious, he died.[1]

A few days after his funeral, the first legal steps were taken in the prolonged litigation which marked the distribution of his estate. It was well known that Broderick owned a sizable amount of real property in and around San Francisco. It was also a matter of record that he was a bachelor, apparently without family ties of any kind. These two facts laid the basis for a good deal of what followed as claimants queued in the appropriate courts and sought to convince legal authorities that they were rightly entitled to some part of the estate. They came from near and far, from San Francisco and Chicago, from Ireland and Australia. A boyhood friend and longtime associate, however, was to emerge with the lion's share of the estate.[2]

David D. Colton, who was subsequently to achieve a measure of fame as a railroad financier and developer, applied for letters of administration a few days after Broderick's death.[3] As an intimate friend and associate, as well as creditor of the Senator, he was willing to assume the responsibility of caring for the estate and so indicated in his petition to the court. The court, however, placed that responsibility on a special administrator, David P. Belknap.[4]

The sizable Broderick estate consisted principally of real estate—approximately $300,000 worth in about 275 separate parcels of land. At the present time, the land, much of it now downtown San Francisco, is among the most valuable real estate in the city. In addition to the real property, personal property, appraised at $6409.59, was found among his personal effects at the Union Hotel and in a safety deposit box that he maintained at John Sime and Company. A thorough search failed to turn up anything that could be called a will.[5]

In Washington, D. C., an experienced probate attorney, Hugh Caperton was appointed collector by the orphans court. He was charged with gathering and preserving the assets of the estate.[6] The estate in Washington, D. C., consisted of books, clothing, and personal effects. Seven boxes were sufficient to hold these items, one of which contained his personal papers.

The estate in Washington, D. C., was carefully examined and officially appraised by the court. Their inventory was detailed and precise. It reveals their evaluation of the items but does not mention a will.[7]

The question of a will was of paramount importance. In the absence of a will and heirs at law of the estate, the property would escheat to the state of California. No such document had been found among the Senator's effects in San Francisco; and apparently none was to be found in Washington, D. C., or at least it eluded the eye of Caperton. For that matter, apparently the appraisers of the estate overlooked the will, or at least they were not able to bring it to the attention of the court.

Their failure was duplicated by one "Colonel McNair" who had been served with a writ by the orphans court and directed to produce "the will, if there be one, of David C. Broderick." McNair was the Sergeant at Arms of the United States Senate and evidently had access to the papers of Broderick by virtue of his position. The writ was obtained by George Wilkes, boyhood friend of Broderick and one of his most able political assistants in California.[8] However willing, McNair was unable to comply, for no will was produced.

The failure of Caperton, McNair, and the appraisers of the estate is highlighted by the fact that the will which was subsequently probated in San Francisco was discovered in the very papers they had searched. The exact circumstances attendant to that discovery were not announced.[9] In December, 1859, Anthony J. Butler, another political associate of Broderick, returned from a trip to the Atlantic States, bearing the will of David C. Broderick. Now the legal machinery for distributing the estate could be gotten underway.

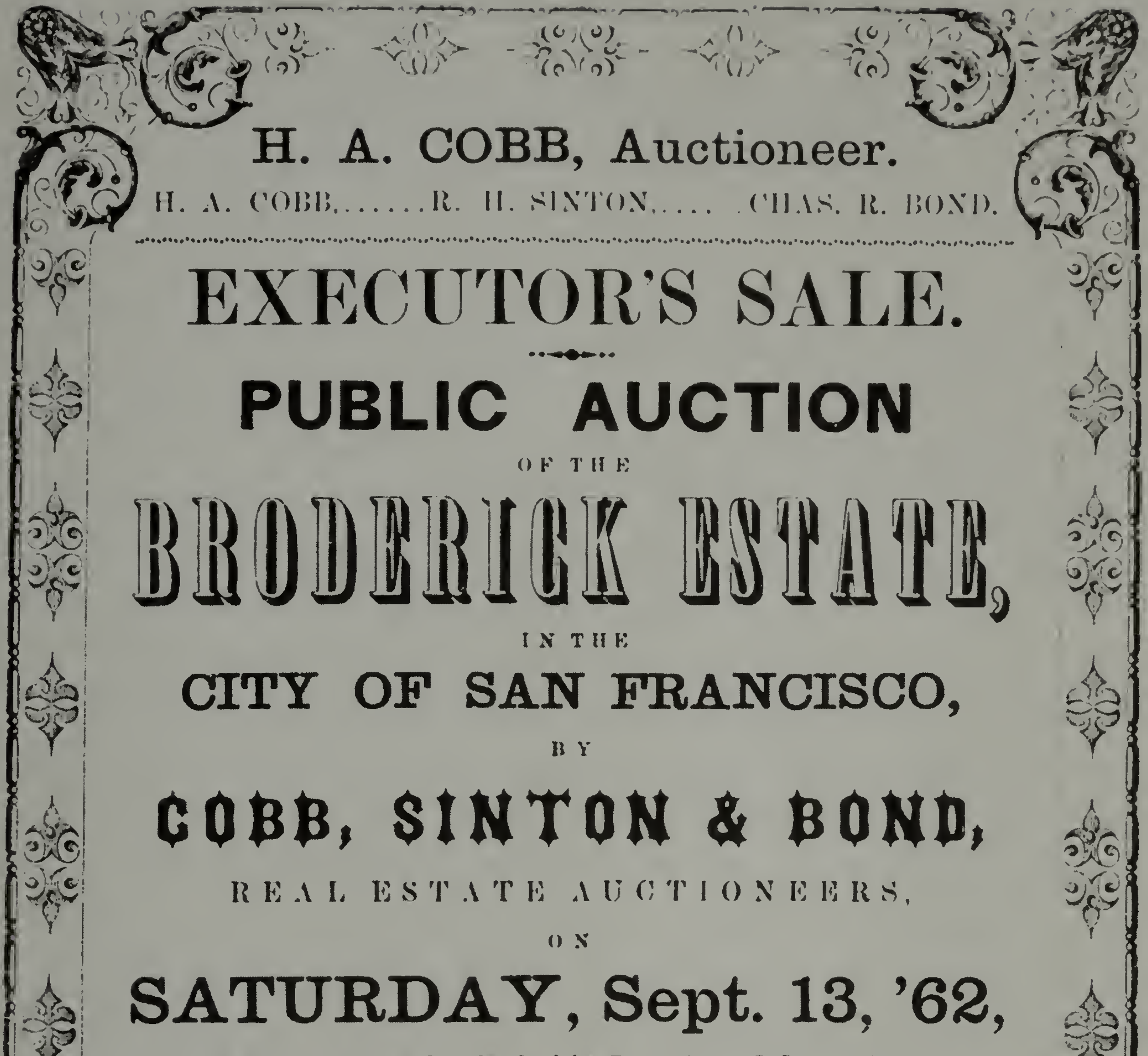
The will was a curious document. It consisted of a single page with a signature which was identifiable as the handwriting of David C. Broderick. The body of the document was written by A. A. Phillips, an attorney of New York City, who also signed as a witness. It was also witnessed by John J. Hoff, one-time assemblyman from Tuolumne County and former street commissioner of San Francisco. Phillips had been a member of the Tammany Society about the same time that Broderick was active in the Democratic Party in New York.[10] Hoff and Broderick were undoubtedly acquainted as a result of their common involvement in political circles in California.[11]

By the terms of the will, the estate was to be distributed between John A. McGlynn, first recorder of San Francisco and long time political associate of Broderick, and George Wilkes. McGlynn was to serve as an executor, along with Butler and Wilkes, and was to receive $10,000. Wilkes was to receive the balance of the estate. Butler was apparently to have his compensation limited to the satisfaction of knowing that he was assisting in the execution of the last wishes of his departed friend, for unlike McGlynn and Wilkes he was not named in the will as a legatee.[12]

Apparently the document met the legal requirements. It was entered in the probate court of Judge M. C. Blake in February, 1860, and the process of establishing its validity was begun. Contestants appeared to challenge the document; testimony was taken; deposition and affidavits filed; and finally in October, 1860, letters testamentary were issued authorizing McGlynn and the other executors to proceed with the distribution of the estate. McGlynn was left with the responsibility of this assignment, for Butler, soon after the will was brought to California, returned to the Atlantic States and Wilkes never came to California. Wilkes further removed himself from the controversy; he sold his interest in the estate while the matter was pending in the probate courts.[13]

The purchasers of the Wilkes interest (the entire estate less the $10,000 bequest to McGlynn) eagerly awaited the transformation of the real property into a more divisible form.[14] To accomplish this, an auction of the property was to be held by Cobb & Sinton, a prominent firm. A catalog was prepared describing the property, and in the opening pages of that catalog was a letter to John McGlynn which was to assume great significance before the termination of the case. The letter amounted to a legal opinion rendered by a number of prominent law firms in San Francisco which declared in effect that any sale conducted by McGlynn was a legal one and any future contest of the will could not affect "the title of the purchasers." Apparently prospective purchasers were reluctant to purchase the property involved. Their hesitancy reflected the belief that the will was not all it was supposed to be, in spite of the approval that had been given it in Blake's court.[15]

The misgivings that prospective purchasers contemplated were not completely unfounded. In November, 1860, the attorney general of the state of California, Thomas H. Williams, moved into the picture. Alleging that Broderick had died intestate and therefore his estate had escheated, he initiated appropriate legal proceedings. At the same time a suit in equity was commenced to restrain McGlynn from proceeding with the sale on the grounds the will was a forgery.[16]



H. A. COBB, Auctioneer.

H. A. COBB,......R. H. SINTON,.... .CHAS. R. BOND.

EXECUTOR'S SALE.

PUBLIC AUCTION

OF THE

BRODERICK ESTATE,

IN THE

CITY OF SAN FRANCISCO,

BY

COBB, SINTON & BOND,

REAL ESTATE AUCTIONEERS,

ON

SATURDAY, Sept. 13, '62,

AT 11 O'CLOCK, A. M., AT

PLATT'S MUSIC HALL, MONTGOMERY STREET.

• • •

TERMS OF SALE, CASH.

Acts of Sale to be made by the Auctioneers at purchaser's expense.

Ten per cent of purchase money deposit will be required at time of sale without regard to parties—balance on confirmation of the sale and delivery of the Deeds.

JOHN A. McGLYNN,

One of the Executors of the last Will and Testament of D. C. Broderick, deceased.

COBB, SINTON & BOND,

REAL ESTATE AUCTIONEERS.

ALTA JOB PRINT.

Front Cover of the 1862 Catalogue of Broderick's Estate (see p. 203)

Courtesy of John Swingle, Alta California Bookstore, Berkeley

CORRESPONDENCE.

JOHN A. McGLYNN,

Executor, &c., of the Estate of D. C. Broderick, deceased :

Dear Sir :

As requested by you we have examined the question—" What would be the effect upon the purchasers at the coming sale of ' the Broderick Estate,' under the order of the Probate Court, should at any future time a successful attempt be made to impeach the Will ?"

We find, by the records of the Probate Court, that after a severe contest of several months as to the validity of the Will, its genuineness has been established and determined by the judgment of that Court. All appeals in the case have been dismissed. All parties in interest, as heirs or devisees, have consented in open Court to the order of sale. The sale is now ordered by the Court to pay the established debts and mortgages of the deceased. In our opinion, the judgments of the Probate Court upon these matters are final, and no future contest of the Will can in any way affect the title of the purchasers acquired at your sale.

Respectfully,

HOGE & WILSON,
HALL McALLISTER,
PATTERSON & STOW,
J. B. CROCKETT.

Legal Opinion Printed in the Opening Page of the 1862 Catalogue of Broderick's Estate
Courtesy of John Swingle, Alta California Bookstore, Berkeley

The matter was considered by Judge John S. Hager, of the Fourth District Court, who subsequently enjoined McGlynn and pronounced the will a forgery. This rare reversal of the findings of a probate court was appealed by McGlynn, and now the Supreme Court of California was presented with the welter of claim and counter-claim, of fact, innuendo, and suspicion that filled the voluminous record of the case.

The Supreme Court, in a much criticized decision, dissolved the injunction and in effect validated the probate court's action. Its decision was bottomed on the failure of the attorney general to move within the statutory period of limitations against the will. The law provided a period of one year after the will was admitted to probate. In this instance, the statutory period had been exceeeded by several weeks. The statute of limitations barred any subsequent action. Judge Hager was in error in assuming that the jurisdiction of a court of equity could be stretched so as to allow it to go into the matter despite the statute.[17]

Logically, this ends the Broderick will case. The appropriate courts have examined the matter and failed to find a means whereby the question of the validity of the will could be examined. True enough, the Supreme Court had acted on a technical point of law, but the document was validated by a probate court. The doubt remains, however, for the Supreme Court did not coldly weigh the evidence. Its failure does not restrict us. The statute of limitations may restrict any inquiry by a court of law, but it cannot restrict the inquiry of a questioning mind.

There is an abundance of evidence to show that the will was a forgery. Much of it was available to the jurists who considered the case, but some of it never found its way into the record. The failure of Caperton, McNair, and the appraisers to find a will in Washington, D. C., casts considerable doubt on the story that was told of its subsequent discovery. At least five people, four of them trained in probate work, had a chance to ferret out the will from the single box of personal papers that Broderick had accumulated in Washington, D. C. The most innocent among us find this failure unusual when it is coupled with the success of Wilkes and Butler. Apparently, searchers who had an interest in the document were keener of vision.

The absence of a will among Broderick's effects in San Francisco is itself a puzzling circumstance. On a previous occasion, he prepared a will before the duel itself and turned it over to a trusted friend prior to the actual shooting.[18] The night before the duel which resulted in his death, he busied himself with making arrangements for any eventuality. The fact that in his previous duel his life had been spared as a result of one of those wild tricks of fate should have prompted him to make such arrangements. Did he, indeed, make these arrangements? This is one of the unanswered questions that keeps coming up, once an examination of the record is begun.[19]

Another rather puzzling circumstance that is pregnant with implications occured on the eve of Broderick's death. Surrounded by friends and in considerable pain, he was conscious until the night before he died. The doctors began to take a pessimistic view of the outcome. Colton, apparently at the suggestion of several of those present, took upon himself the grievous task of suggesting to Broderick that the outcome was unfavorable and that he should take appropriate steps in case the worst should come to pass.

Colton approached the task with misgivings. The exchange was delicately phrased; but in effect Colton told Broderick that he was dying and that if there was any particular disposition of his affairs that he would like to make, he should do so. Broderick asked if the matter could be postponed until the next day (it was evening and the lamps had been lighted). "Is there any haste tonight?" was his question. To this Colton replied, "Not at all, tomorrow will do as well." Broderick nodded. In the morning, before anything further was done "in the particular disposition of his affairs," he died.[20]

Did he die secure in the knowledge that the most important steps had been taken in the disposition of his estate? This seems to be one of the implications of this incident, but on the other hand perhaps it indicates that he was still concerned with this problem, that he merely misjudged, as dying men often do, the time of his death. A word from him at that moment would have barred the subsequent controversy.

This incident was brought out at the probate proceedings and is a part of the record. In the testimony which was preserved there are a number of significant facts that tend to support the view that there is something peculiar about the will in question. Many of the witnesses gave testimony that tended to support the claim that the will was valid. There were two significant exceptions, and these two were the only witnesses who could claim to be somewhat "expert" insofar as handwriting was concerned. Both testified that they would not honor the will's signature, which was purportedly that of David C. Broderick.

Benjamin R. Nesbitt, an experienced banker and insurance man, whose work often required him to be concerned with signatures, flatly declared, "In my opinion, were I in banking or any other business, and a check should be presented for any amount signed as this is, I should certainly refuse it upon the ground that the signature does not appear like his as far as I can recollect and as I have seen him write it."[21] This opinion was supplemented by the testimony of William Hermann, cashier of the banking house of Pioche & Bayerque. This company had handled many of Broderick's drafts and notes and corresponded with him. When asked as to the validity of the signature on the will, Hermann replied, "To the best of my knowledge and belief, I think it is not."[22]

Regarding the validity of the will, Judge Hager flatly declared the document a forgery. The evidence that he drew upon was primarily the evidence presented by the will itself. On its face, it was a forgery. In his opinion he reviewed the evidences of falsity. The document consisted of a single page. The lines at the top were written in the usual manner; but as the text descended the page, the lines became progressively more crowded. A statistical study of the page was made of the number of words and letters on each line. In mathematical and precise terms, this analysis supports the charge that the will was written to fill a blank page upon which a signature was drawn. Apparently the signature of Broderick was entered on a number of blank sheets until an acceptable version was found. The body of the document was then written on the page. As the writer of the document found his space being consumed, he began to write in a smaller hand. Inadvertently, the writer had stamped the document as a forgery.[23]

In addition to this aspect of the will, Hager pointed to another unusual physical feature of the document which tended to support the conclusion that it was a manufactured document, tailored to fit the needs of the forgers. According to the testimony of Phillips and Hoff, Broderick had engaged Phillips to write the will for him in a hotel room in New York City on January 2, 1859. Shortly after Phillips had finished writing the document, Hoff just happened to call upon Broderick. This chance visit resulted in his signature appearing as a witness to the will, for he sat down at the table and, presumably using the ink and pens there, signed as a witness. According to their testimony, the pens and ink available in Broderick's room was used. Hager was quick to point to the different inks that appeared on the document. The kinds and shades of ink clearly indicated that the writing was not all done at the same time and with the same tools. The conclusion was obvious.[24]

There are other matters in the record of the case that tend to support Hager's view of the will. Numerous affidavits are available to support the allegation of forgery. While there may still be lacking specific details as to how the forgery was accomplished, there is a great deal of evidence to support the charge that the actual forgery of Broderick's signature was done by Moses Flannagan, his one time senatorial secretary. He had often signed Broderick's signature in the course of franking the Senator's mail.

Apparently Butler, Wilkes, and Phillips conceived the scheme. Procuring Flannagan's cooperation had been one of the first steps. Once that was accomplished, the will was written by Phillips to fit the circumstances. John A. McGlynn had been made an executor by the forgers but was not really part of the conspiracy. His good name and innocence were utilized to cloak the operation. McGlynn was used to "front" for the group. It is significant that Butler never entered a court of law in California where his role in the affair could have been explored.[25]

The question as to what Butler achieved as a result of his participation is difficult to answer until the list of people who presented claims against the estate is examined. There may be found the name of Anthony Butler pressing a claim for $10,000 upon the estate, for, "Loans and Advances."[26] The claim was allowed by his coexecutor, John A. McGlynn. Is it coincidence that the claim of Butler, which seems to be unsupported, is identical in size with the compensation allowed McGlynn by the "will?" Is it significant that Butler's claim was allowed although he did not make the "required statutory verification to his claim against the estate?"[27]

The manner in which George Wilkes disposed of his interest in the estate appears, at first blush, a typical business transaction. However, when one realizes that Wilkes sold his interest in an estate appraised at almost three hundred thousand dollars for $87,000, a suspicion arises that there is more to the transaction than appears. Among the four purchasers was Isaac Colton, father of David D. Colton. Perhaps he, like his three copurchasers, was an astute businessman, and Wilkes was less experienced in these matters; but the circumstances indicate that something more than the relative business acumen of the participants was involved.

The record is too long and detailed to present in its entirety here. It is still available to the researcher in the California Archives, and its pages of testimony and affidavits pulse with mystery and intrigue.[28]

Gregory Yale, special counsel for the state when the matter was before the Supreme Court, summed the whole matter up in these words: "Years and generations hence, the term of 1862 is to be signalized—as the forgers and speculators decree it—as an epoch in the legal history of this great state, when its highest tribunal pronounced in favor of an unmitigated fraud, not only because an inferior tribunal had sanctioned it, but because the law afforded no escape from its own machinations."[29] His effort, like all others attempting to impeach the will, failed; but there is little doubt that had the record been considered on its merits, the Supreme Court would have found differently.

NOTES

1. The *Daily Evening Bulletin* from Sept. 10, 1859, through Sept. 20, 1859, was concerned with the news of the approaching duel, and printed the frequent bulletins that were issued regarding Broderick's condition.

2. A complete list of claimants has never been compiled. Their names crop up in the legal records that survive. The bulk of the information upon which this article is based is drawn from the record of the case that was presented to the California Supreme Court and decided by it in the term of 1862. It is known as *People* v. *McGlynn* and is to be found in the State Archives in Sacramento, File No. 3494.

3. The records of the probate courts of San Francisco were almost entirely destroyed in the fire of 1906. Colton's request is reported in the San Francisco *Alta California*, September 22, 1859.

4. Oscar T. Shuck, *History of Bench and Bar in California* (Los Angeles, 1901), p. 209.

5. A complete inventory and appraisal of the estate in San Francisco is to be found in *People* v. *McGlynn*, pp. 343-6. It was compiled by appraisers appointed by the probate court, James L. King, Elijah Bigelow, and F. Holmes.

6. *Old Administration Docket, Vol. 4: 1853-1862, Office of the Register of Wills,* Judicial Records, Group I, National Archives, Washington, D. C. Caperton was appointed November 22, 1859. Caperton searched diligently for a will but failed to find it. *People* v. *McGlynn,* p. 339.

7. *District of Columbia, County of Washington, No. 4184, Old Series, Estate of David C. Broderick* contains the inventory and appraisal of the estate in Washington, D. C. Presently located in Judicial Records, Group I, National Archives.

8. *Ibid.* The writ was obtained by Wilkes on the 12th of November, 1859, and commanded McNair to appear on the 19th of November, 1859, with the will. Wilkes was one of Broderick's chief lieutenants until sometime in 1854 when a disagreement sent Wilkes to New York for a resumption of his journalistic career.

9. In the interim between Caperton's failure and the finding of the will, George Wilkes was appointed administrator of the estate in Washington, D. C. See *Old Administration Docket, Vol. 4: 1853-1862, Office of the Register of Wills,* Judicial Records, Group I, National Archives. His authority began December 13, 1859. Presumably he then got custody of the personal property of Broderick. A few weeks later he authorized payment of the salary and allowances due Broderick to George B. Barnard on the grounds that Barnard had advanced him a considerable sum and assigned his salary as security. See *Fiscal Branch,* Record Group 217, National Archives, George Wilkes to the Clerk of the U. S. Senate, December 30, 1859.

10. *Testimony on Proving the Will in the Matter of the Last Will and Testament of David C. Broderick in the Probate Court of the City and County of San Francisco . . .* (San Francisco, 1860), pp. 19-20.

11. Their relationship was not always a friendly one. See Lyman Ackley to John B. Schaffer, Empire Ranch, California, December 7, 1861, in *People* v. *McGlynn,* p. 283. His view is supported by the testimony of Emma Theresa Maguire in *Testimony on Proving the Will,* p. 79.

12. The will itself was destroyed along with most of the records of the probate courts of San Francisco in the fire of 1906. However, there are several legal copies of the document in *People* v. *McGlynn* and *Testimony on Proving the Will,* p. 11.

13. The chronology of the case is set forth in Shuck, *History of Bench and Bar,* pp. 209-12.

14. The purchasers were identified as William R. Garrison, Isaac W. Colton, A. E. Tilton, and C. E. Tilton: *People* v. *McGlynn,* p. 63. Subsequently in the same record, the testimony of Isaac Colton appears. In it he reveals that he is the father of David D. Colton, that he and his son own a share of the Wilkes interest, and that his son handled the entire matter. See *People* v. *McGlynn,* p. 113.

15. *Executors Sale at Public Auction of the Broderick Estate in the City of San Francisco by H. A. Cobb and R. H. Sinton, Saturday, November 30, 1861* (San Francisco, n.d.) lists the property involved. Its opening pages contain the letter from Hoge & Wilson, Hall McAllister, Patterson & Stow and J. B. Crock-

ett to John A. McGlynn reassuring prospective purchasers of the real property involved.

16. *People* v. *McGlynn,* p. 348 ff.

17. Shuck, *History of Bench and Bar,* p. 211. The legal report of the case is 20 Cal. 234.

18. The duel in this instance was his encounter with James C. Smith in 1852. An excellent description of that duel is in Ben C. Truman, *The Field of Honor,* (New York, 1884), p. 486.

19. Cornelius Stagg's testimony to the effect that Broderick told him that he was making arrangements against any eventuality on the eve of the duel as "there is no sure thing on such an occasion." See *People* v. *McGlynn,* p. 256.

20. Elliott J. Moore's testimony in *Testimony on Proving the Will,* pp. 81-82.

21. *Testimony on Proving the Will,* p. 48. Nesbitt also pointed out some specific differences in the formation of letters, slant, etc., indicated forgery.

22. *Testimony on Proving the Will,* p. 53. Hermann seemed to be especially qualified to make this judgment in view of his extensive business dealings with Broderick.

23. Judge Hager's opinion was published, but this article draws upon the MS opinion incorporated in *People* v. *McGlynn* which was submitted to California Supreme Court. The statistical analysis is in *People* v. *McGlynn,* p. 360.

24. *People* v. *McGlynn,* p. 358. In Hager's words: "The ordinary manuscript of a scriviner would scarcely ever exhibit such marked peculiarities. If, however, as some of the evidence tends to indicate, the name of 'D. C. Brodrick' was first written and that alleged signature and the initial line of the first page formed a Procrustean bed in which the body of this alleged will was placed and Necessarily made to conform with, we have a solution which explains itself."

25. *People* v. *McGlynn,* p. 353. Hager indicated that the forgery charge should be directed at Butler and Wilkes, and indicated that McGlynn was probably free of this sort of wrongdoing.

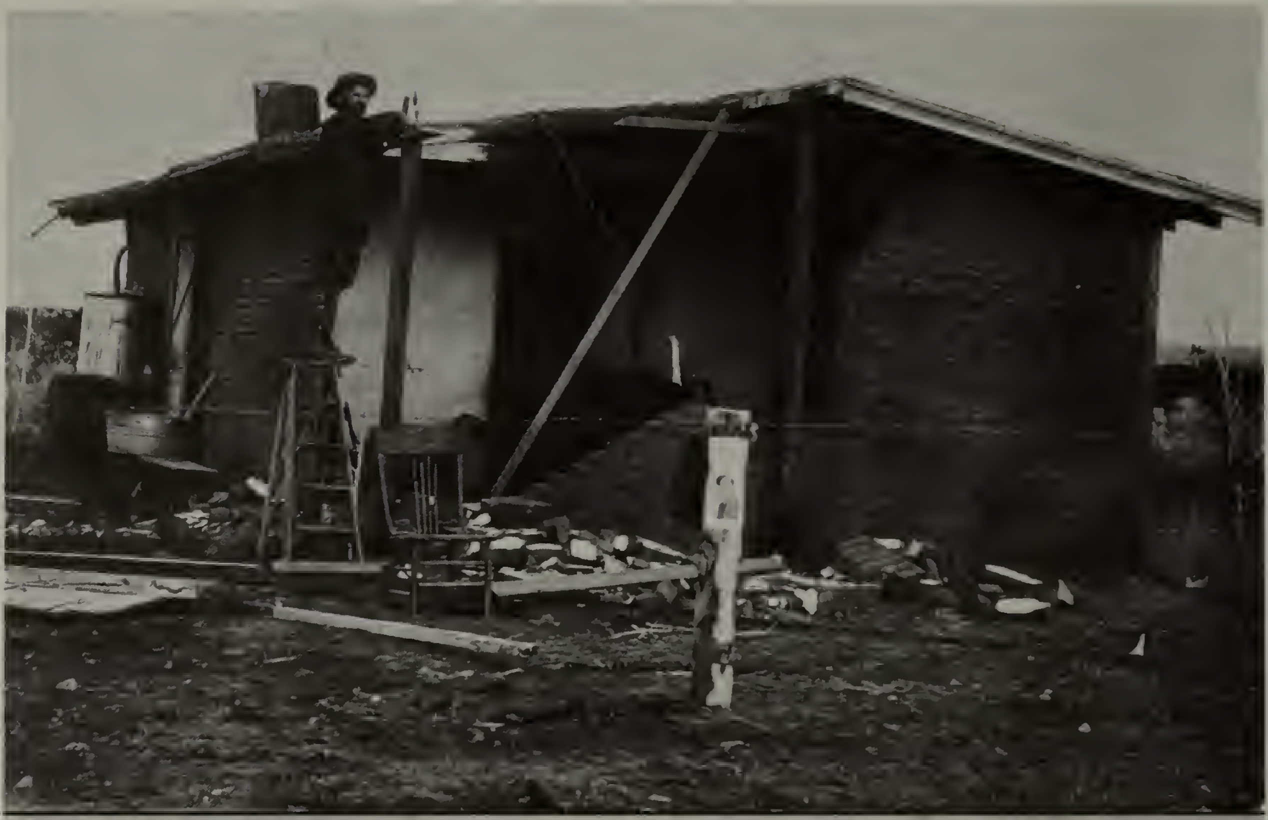
26. The claims against the estate are listed in *People* v. *McGlynn,* pp. 204-06. It is significant that the other claims are detailed as to the manner in which they arose, dates, and rates of interest. Butler's alone is labeled, "Loan and advances." It did not bear interest. In his opinion, Hager pointed out, Butler did not make the statutory verification of his claim. See *People* v. *McGlynn,* p. 354.

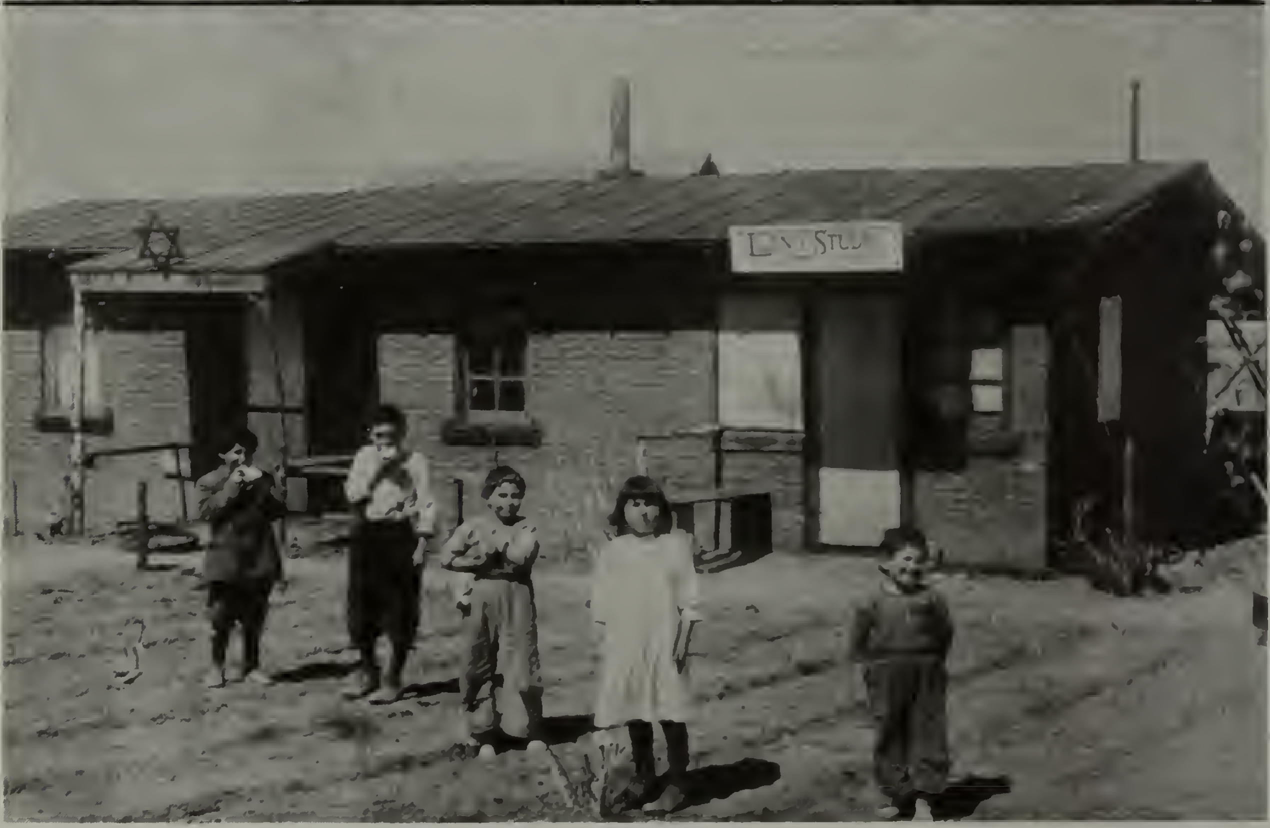
27. *People* v. *McGlynn,* p. 206. Perhaps Wilkes was the opportunist who made a quick profit out of a dubious claim and in the process took advantage of Colton, Tilton and Company.

28. *People* v. *McGlynn,* Archives File No. 3494, Archives of the State of California, Sacramento, California. No mention is made in this article of subsequent attempts to impeach the will by Ann Wilson and Ellen Lynch who claimed the will was a forgery through which they had been denied their rights as relatives of Broderick and his lawful heirs. This case went to the United States Supreme Court before it was decided against them on the same grounds that the California

Supreme Court had cited in their 1862 decision. It did bring into being an organization of property holders who sought to defend the titles they acquired by virtue of purchase from McGlynn, the executor of the "will." Samuel McCullough Papers, "Minutes of Meeting and Attorneys Agreement" in the Henry E. Huntington Library, San Marino, California. Shuck, *History of Bench and Bar*, p. 212, summarizes this effort by Wilson and Lynch.

[29] Quoted in Shuck, *History of Bench and Bar*, p. 212.





Above — Meyer Elkins repairs his adobe house in Llano after a "big wind" blew down part of walls and roof. Note fence post on which a picture of Job Harriman is attached.

Below — The "Llano Studio" where Meyer Elkins both worked and lived. The Elkins children are in foreground. Nathan Elkins, who supplied the picture, is second from left.

A Look at Llano:
Experiment in Economic Socialism

By ABE HOFFMAN

THE YEARS 1914 through 1918 witnessed the birth, existence, and death in California of the socialistic, cooperative colony of Llano del Rio. While a perceptive account of the colony's existence can be found in Robert V. Hine's *California's Utopian Colonies* (San Marino, 1953), Llano is largely forgotten today. Llano—which after 1917 moved to Louisiana—would never have existed at all had it not been for the idea of one man, Job Harriman. The Llano idea was not the fulfillment of his dream; it was the beginning. From that beginning, the goals and ideals of Job Harriman underwent change and modification until the end of his life.

Job Harriman was an important figure in California at the turn of the century. He was born on June 15, 1861, raised and educated in Indiana, and moved to California in 1886.[1] His original intention was to enter the ministry; but his views changed so greatly that he could not conscientiously remain in the church, and he turned to law. Although Harriman had been brought up as a Democrat, he became dissatisfied with the party and in approximately 1890 turned to Socialism.[2]

The year 1898 was an important one for Harriman. In that year he began practicing law in Los Angeles, and he was also nominated for governor of the state, on the Socialist ticket. Two years later he was running for vice-president under the standard of Eugene Debs.[3]

When not engaged in politics, Harriman built up a successful law practice. When the McNamara brothers were to be defended by Clarence Darrow for the bombing of the Los Angeles *Times* building,

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Harriman was one of the lawyers on the defense team. His personal popularity with the labor movement was such that his campaign for mayor of Los Angeles, conducted at the same time, seemed marked for success, for many people believed the McNamara brothers innocent.[4] The brothers, however, pleaded guilty five days before the trial was to open, and this contributed to Harriman's defeat.

Other, more important results, however, were to come from these events of 1910-1911. Harriman's popularity with the labor and trade unions was based on his growing dissatisfaction with the political operations of the Socialist party, and on his desire to see the Socialists play a larger part in the economic organization of the working class.[5] Some time after the campaign, a split occurred between those Socialists who backed Harriman's views and those who opposed the combination of unionists and Socialists; this split culminated in the collapse of the Socialist party in Los Angeles.[6]

The idea that the Socialist movement should have an economic foundation grew in Harriman's mind. It was his belief that "a people would never abandon their means of livelihood, good or bad, capitalistic or otherwise, until other methods were developed which would promise advantages at least as good as those by which they were living."[7] Nothing really grandiose was envisioned; he merely wanted to make a start, even though it be a small or experimental one. After several years, the method decided upon was that of the establishment of a cooperative colony.[8]

Harriman and a group of his associates began looking for a suitable location upon which to establish the cooperative settlement. After considering various locations in Oregon, Nevada, Arizona, and California and coming close to a purchase in San Luis Obispo County, it was decided that a tract of land in the Antelope Valley was the best available for their purposes.[9] The location of the proposed colony was in the northern part of Los Angeles County, at the mouth of the Big Rock Creek (formerly called the Llano Creek), and north of Mescal Creek. The Antelope Valley is a "vast semi-desert plain stretching between two mountain ranges,"[10] and the site was in the western end of the valley, with its southern boundary facing the base of the San Gabriel Mountains. The site was about forty-five miles from Los Angeles; due to the roads of the time, however, the trip to Los Angeles proper was over a ninety-mile stretch. The nearest railroad station was at Palmdale, twenty miles away.

Harriman and his associates purchased the land, paying a small down payment on the cost of $80,000. Several sources list this down payment as only five dollars.[11] The property was owned by the Mescal Land and Water Company, which Harriman's purchase bought out. Then Harriman organized the Llano del Rio Company of California, which took over the stock of the Mescal Company.

The Llano del Rio Company was organized with a capitalization of $2,000,000, under the laws of the state of California. The oddity of the creation of a Socialistic colony through the capitalistic device of incorporation can best be explained by noting that through this method property could be held on a large scale, stock could be sold, and in organizing the venture Harriman, being a lawyer, could cover any loopholes or angles, since the language of law was familiar to him.

Harriman's motives in organizing the colony were far from opportunistic and were closely tied in with his beliefs. As has been noted, his opinion was that Socialism could not succeed on a political basis as long as people could not actually see any concrete proof of a change for the better.[12] It was his hope that Llano would pave the way for Socialism by proving a cooperative colony could work and that Llano would become a pattern for future communities to follow.[13]

With the purchase of the property and the taking over of the Mescal Company, the next steps immediately to follow were to advertise and colonize. Initial advertisements were made in the *Western Comrade*, a Socialist magazine, and in the *California Social-Democrat*, a weekly newspaper. The response was immediate. While the method of financing the colony was to be through the sale of stock, it differed in several respects from the usual stock promoting methods. Before any stock was sold, a prospective member had to fill out a formal application for membership, which was approved or denied by the board of directors of the Llano del Rio Company. Each person contracted to purchase 2000 shares of stock at one dollar each with an initial payment of $500. The remainder was to be worked out at the colony at the rate of one dollar a day, the period of payment thus lasting about six years. It was further stipulated in the contract that the colonist would receive a payment of four dollars a day for eight hours' work, one dollar being deducted for the stock payment and the remainder being used for living expenses, with any money left over to be accrued as credits to be paid eventually from the profits of the colony. Members were also enjoined in the contract from withdrawing more than $75 a year from their credits, once the colony realized profits and started paying them. This contract remained for the most part unchanged for the duration of the colony's existence.[14]

While the stock and membership were being advertised in Socialist periodicals, the company commissioned several people to sell stock directly to prospective members. The most prominent of these was C. V. Eggleston, a member of the colony especially commissioned as fiscal agent to sell stock. Thus the Socialistic colony used another capitalistic device in order to increase its funds, attract members, and sell the capitalized stock. Unfortunately, while the purchaser of the stock was supposed to be approved by the board of directors, it often did not work out this way. It developed that Eggleston, charged with the responsibility of checking his purchasers carefully, was apparently more interested in making sales.[15] This would bring serious consequences in the near future.

The colony grew from a start of virtually nothing, developing itself at a phenomenal rate. Pioneers in the venture were Harriman, Bert McMahon, William A. (Bert) Engle, David J. Wilson, J. L. Stanley, and Leo Dawson. On May 1, 1914, a party made up of the Los Angeles Young People's Socialist League—known as the "Yipsels"—drove out to inspect the location. A number of them stayed;[16] and the first of May, May Day, would thereafter be the anniversary date of the founding of Llano. To many this date would be treated with reverence, "a day that had been dreamed of and aspired to for many generations of mankind . . . the birth of a new order of social human relations which . . . would do away with every kind of antagonisms [*sic*] in all human contacts . . . and lead to the universal kinship of all mankind."[17] At the time, it meant the beginning of a great deal of hard work, of making something from nothing.

Several questions arise at this point as to the type of people who were attracted by the Llano colony's advertising; several items pertaining to the colony and to the prospective members must be taken into consideration. The growth of the colony, in population and achievement, may be credited to several factors. Primary among these was Harriman's personal popularity in southern California. He had received 35 per cent of the votes cast in the 1911 election for mayor, indicating a strong support for him even after the McNamara trial.[18] There were many people in California who would loyally follow Job Harriman, and many did.

Another major attraction for the Llano colony was the type of conditions offered in the contract. Four dollars a day in 1914 was the pay of a skilled laborer, and many people made less. As a result of this, people were attracted to the colony who were not necessarily interested in Socialism.[19]

The principal method of securing members, however, was by the efforts of the stock salesmen. Eggleston sold the stock in small denominations for small considerations.[20] Before long the colony would become involved in law suits as a result of Eggleston's peculations. Nevertheless, the colony's initial impetus enabled it to achieve a basic foundation, with the ideals of Socialism present before the members. The squabbles and legal troubles would come with time.

Several generalizations can be made as to the people who came to Llano. There were few foreigners, and most members were far removed from foreign parentage. There were many farmers and businessmen, and some professionals; others had been involved in construction, manufacturing, or clerical work. The members were quite definitely not "down and out," for $500 was needed to join the colony.[21]

When these people arrived at Llano, what did they find? Initially, there was very little in the way of settlement. Back in May, 1914, the colony had consisted of something like five members, four horses, one cow, and sixteen hogs. By August, 1917, the colony attained a population of 900 residents, 100 houses, 125 cows, 300 hogs, several thousand chickens, and a number of trucks, wagons, automobiles, and various types of machinery.[22] Llano encompassed ten thousand acres of land, much of it in a wild state of brush and Joshua trees. Early surveys indicated that the water supply was more than adequate, water being available from Mescal Creek, Jackson Lake, and Boulder Creek, plus the Big Rock Creek Irrigation District, which controlled Big Rock Creek. The chief engineer's report to the Llano del Rio Company stated that the area of watersheds was such that forty thousand to fifty thousand acres of land could be cultivated easily. Other estimates claimed at least twenty thousand acres could be irrigated.[23] A few years before the start of Llano, a development company had organized and bonded a district, pushed a tunnel through a hill parallel to the Big Rock Creek, and then exhausted its funds.[24] Along with this tunnel, which could be used to conduct water part of the distance to the colony's fields, a projected dam was planned to create a reservoir to supply water for irrigation, as well as electricity.

Products that were grown by the colony included pear and other fruit trees, alfalfa, melons, beans, potatoes, and berries. As the colony grew, dairy and poultry products were produced; and a huge rabbitry, as well as a hog ranch and apiary, were built.

The growth of the colony in its years of existence in California was rapid. Rent was, of course, free, as was medical care; food and clothing were on a commissary basis. The main problem was one of building. In the first year of settlement, everyone lived in tents, while vital shelters were erected. The first structure built was a hotel, followed by twenty-five adobe houses in the second year. At its peak, the colony could boast of two hotels, a bathhouse with tubs and showers, a swimming pool (in reality a swimming hole), a commissary, a drafting room, an office building, eight ranch houses, and the ever-present tents.[25]

New members would first live in the hotel. Then a period of time would be spent living in the tents, after which the move was made to an adobe house. The streets were unpaved, and during the hot summers sprinkling wagons would keep the dust down.[26]

With the growth of the colony, its energies were divided among work, politics, and social activities. The work was divided into five departments: farm, livestock, industry, construction, and a final group consisting of administration, architects, medical staff, and membership unit.[27] A basic purpose of the colony was to be entirely self-sufficient as far as labor was concerned, and as industrially self-sufficient as its operations could make it.[28] As the colony developed, new activities were created, and sometimes the categorization of a new project into one of the five departments proved difficult. Soon, new members had their choice of sixty different activities. These included a shoeshop, print shop, barber shop, warehouse, cannery, laundry, bakery, brickyard, range stock, hog ranch, fish hatcheries, rabbitry and many more.[29]

A photographer ran the "Llano Studio," and photographs of the colony were printed as picture postcards.[30] Farming included raising all the crops previously mentioned; and the construction crews had many projects to build. In January, 1916, it was felt that the construction of a large dam would yield a larger water supply;[31] while this dam was never built, a great many ditches, houses, and roads were constructed.

The roads were a problem. The constant traffic of vehicles coming to and from the colony created huge holes in the roads; driving became a hazard. George Pickett, who was in charge of the educational system for the children of the colony, went out on the roads with the boys in his charge; and within a week they had repaired a six-mile stretch of road. Spirit and enthusiasm ran high in projects of this nature.[32]

Clearing land for roads or farming required a great deal of labor. Hundreds of acres of land had to be leveled and cleared; rocks and stones had to be carried away. Adults worked on irrigation ditches, while children picked weeds in the fields—when not in school.

Plumbing was of the outhouse type, including that of the hotels. These communal bathrooms were moved every two years. However, the hotel had water pumped into it; and some places, such as the big hotel, had electricity. Illumination was generally by gas light.[33]

Another important part of colony life was the large amount of time devoted to the promulgation of social and educational activities. Llano boasted a library of several thousand volumes, an industrial school, a Montessori school, and night classes. A great number of special interest clubs were organized; notices of club meetings were prominently displayed on the club house bulletin boards.[34] Teams for baseball, football, basketball, and tennis were organized. Dances were held each Saturday night, with another night reserved for children's dancing. Literary and musical programs were presented on Sunday nights.[35]

Sometimes the leisure time activities of the colonists went to extremes. One colony member built an entire airplane, money being subscribed to pay its expenses by interested individuals. It was actually finished, but never flown, though not because of any mechanical failures. The person who built it was afraid to fly it![36]

One item never lacking in Llano was people. They arrived at a rate far greater than the rate of construction or food production. In December, 1914, 150 people were located at the townsite of Llano. With the beginning of 1915, tangible advances came to Llano. The Big Rock Irrigation District was established, with hopes of finishing the work started by the settlers who had abandoned the area years before. In the same month, Gentry P. McCorkle was appointed United States Postmaster, as Llano received its post office. The first native addition to the colony occurred in April, 1915, with the birth of the first resident colonist. It was a girl; she was named Llano Schnitzer.

Each succeeding May after the founding of the colony, an annual celebration was held. These celebrations took the form of a picnic.[37] In May, 1915, 300 residents celebrated Llano's first anniversary. An eleven-piece band played, the original five pioneers and the same number of animals were paraded, and the celebration proved a great success and aroused enthusiasm among the colonists and visitors.[38]

When the 1916 anniversary was held, it was observed by 700 colonists and a fifteen-piece band.[39]

Had the problems of Llano been confined just to those which every pioneering group must meet—clearing and planting the land, construction of roads and homes, distributing ample food and clothing, and becoming economically self-sufficient—then the colony would have been off to an excellent start. Unfortunately, an aspect of the life of the colony, one which existed from the start, created problems which Harriman, in his theorizing as to an economic basis for Socialism, had not counted on. This aspect was the politics of the colony, and it was here that some of the most difficult problems of the colony can be found.

Another major source of difficulty was the legal trouble that the colony found itself running into time and again. Frequently the political and legal problems would blend, becoming so tangled with personal views and opinions that it is difficult to separate them. Both types of troubles can be traced to one starting point: the admission of members to the colony.

Harriman's views as to the success of the colony were optimistic, and his goals were idealistic. He saw the establishment of a social and economic organization which was geared to group welfare, rather than any individual desires for power or wealth. At Llano, the individual was "to lose himself in the welfare of the community."[40]

It has been mentioned that the sales methods of Eggleston were to cause trouble for the colony. While he cannot be blamed for the attitudes of people in the colony, he was in part responsible for the touching off of a tangle between the colony and the state commissioner of corporations. Eggleston's methods of selling stock (and the failure of the board of directors to screen all applicants) resulted in Eggleston's being discharged from his position as fiscal agent. While promoting, Eggleston had made promises to prospective purchasers that could not be kept.[41] He had been fiscal agent for the colony during 1915 and part of 1916. Eggleston then went to the state of Nevada, which had more liberal incorporation laws than California, and organized the Nevada colony, using his acquired knowledge of community life. This was done in May, 1916.[42]

Meanwhile, during 1915, a complaint was made to the state commissioner of corporations, H. L. Carnahan, to the effect that the Llano colony affairs were being mismanaged. Since no effort had really been made to exclude people who might prove detrimental to the colony's success, Harriman almost from the start had found himself opposed by a number of colonists who did not share his ideals.[43] The complaints ranged from misrepresentation in the sale of stock to mishandling of the colony affairs, not to mention the problem of the four dollar wage. Carnahan appointed Deputy Commissioner H. W. Bowman and W. J. McKehn to investigate, analyze, and prepare a report on the colony affairs. This Bowman did, and his report, dated December 31, 1915, resulted in the commissioner of corporations issuing specific instructions governing the sale of Llano stock.

While this report is not in existence today,[44] the essence of it remains in the form of newspaper quotations and various excerpts. The report accused the colony of selling stock under false premises and stated that Harriman was operating a "one-man autocracy."[45] The report also described the activities of a minority group in the colony, known as the Welfare League.

From the very beginning of the colony, an anti-administration group had existed, calling itself the Welfare League. The rest of the colony called this group the brush gang, because it met out in the sagebrush and creosote weeds. There were a number of brush gangs during the life of the colony. During 1915-1916, thirty-two colonists joined in opposing the colony's methods of operation, and eventually left Llano.[46] It is difficult to assess the right and wrong of these complaints, for the sources available are noticeably lacking in objectivity. Both sides had valid points to their arguments; as a result of the commissioner's orders, for example, Llano's later stock agreements provided for a member's stock to be disposed of before his departure, since the stock was valueless except in Llano.[47]

However, Harriman did want to conciliate the Welfare League; he offered to call a meeting of the stockholders, or hold elections, or even reorganize as an association. The Welfare League refused this. Their argument was that people—their people—were being deprived of work, and Harriman's offerings failed to satisfy their complaints.[48] The Welfare League demanded that all departments be operated on a purely democratic basis, with a popular vote to be taken on every plan or action before it was put into effect, a request that was tantamount to governmental disaster for the colony. It was a demand for "democracy with a vengeance."[49]

Since Llano was a California corporation, the word of the commissioner was law; and 1916 saw Llano refused the right to sell stock, unless prospective purchasers were shown a copy of the Bowman report before the sale was made. This was hardly a way to sell stock—by displaying a report antagonistic to the colony.[50] Eggleston, the former fiscal agent, in the meantime had gone to Nevada to organize his own attempt at a colony. Harriman, casting about for a way to solve the present problem, made arrangements with Eggleston whereby his corporation bought all of the California property, with stock in the Nevada colony being taken as payment. By this method the Llano del Rio Company of California became the Llano del Rio Company of Nevada, with property in California. This was legal: Carnahan threatened the Llano board of directors with criminal proceedings, but nothing happened.[51]

The transfer to Nevada was not as simple as it sounds, for the words "made arrangements" gloss over what was actually involved in taking over the Nevada colony corporation. No love was lost between Harriman and Eggleston. The stock manipulations during the transfer were tricky, with the possibility that Eggleston might have won control of the Llano property. However, this did not happen, and after a short period of time Eggleston's colony severed completely its association with Llano. Both colonies advertised in Socialist periodicals, and people reading the ads would confuse the two colonies because of similarities in names and advertising methods. Eggleston finally ran into trouble with the falsification of advertisements,[52] and by 1918 his abortive attempt at a colony passed out of existence.

Now operating under the more liberal Nevada corporation laws, Harriman's Llano placed the voting limit at 2000 shares of stock, regardless of the number of shares owned, and so in this manner democracy was insured. It became virtually impossible for anyone or any group to secure control of the colony through stock manipulation or ownership.[53]

The affair with the commissioner of corporations was by no means the only legal fight in which Llano became involved. Lawsuits developed over water rights, land boundaries and also over misunderstandings in the contracts. Harriman saw these through the courts, his lawyer's mind keeping Llano from becoming impaled on legal barbed wire. But another problem arose, one which Harriman could not understand—and when he did, it was too late to be solved.

One of the reasons for the Bowman report was the number of complaints made by the Welfare League. At the colony, free speech was allowed—to an unlimited degree. This was due to the rather odd internal setup at Llano. While the Welfare League had complained that the colony was autocratic, the actual operations of the colony were such as to cast doubt on this claim. Since Llano del Rio was a corporation, it was headed by a board of directors, of which Harriman was president. However, Llano differed from other corporations in that its stockholders were colony members, and so the board of directors held control only nominally. The board appointed a ranch superintendent and permitted the stockholders to set up a general assembly, which met fortnightly. The general assembly in turn elected representatives to a commission, and there were also meetings of managers, departments, foremen, etc. This resulted in an inevitable conflict of authority.[54]

In an idealistic sense, the general assembly was the epitome of pure democracy. Anything could be discussed at the general assembly meeting, and it usually was. In actuality, the general assembly degenerated into a mass dictatorship, acting without any direction or plan. The widest range of free speech was permitted—"from food to fertilizer."

No one was spared in the meetings, and the laws passed by the general assembly were prolific—and ignored.[55]

The commission, elected by the general assembly, took care of day-to-day problems—meeting once a month. Their decisions frequently went contrary to what was originally requested—and as often, against reality. For example, the colony horticulturist protested against being told by the commission where to plant his trees; at that time, there was not one practical farmer on the commission. The commission votes were often five to four on the issues at hand—the four votes being cast by the anti-administration group, who were supported by the brush gangs.[56]

The conflicts of authority between laws passed by the general assembly and the commission, plus the realities faced by the foremen of the departments (realities apparently not shared by the general assembly), finally came to a head in June, 1917. The alfalfa was to be cut, but no one felt important enough to give such a decision. The general assembly did not meet until five days after the best time for cutting. As a result, the crop was ruined—and as a further result, the general assembly, viewing this economic disaster to the colony, abolished itself. The constitution of the colony, a forty-page monstrosity of patchwork laws, was discarded in favor of the brief Declaration of Principles.[57] A great deal of responsibility fell to the foremen of the departments, who developed into the board of managers, which later merged with the board of directors. The board of directors, finally realizing the dangers of too much democracy, appointed a general manager to replace the superintendent. Job Harriman was the general manager; he apportioned out the work for each department, and this worked out well. Anyone who knew Harriman knew him as an outstanding character, and probably expected more from him than he could deliver. Harriman learned that theories did not mean much when set against reality. That it took three years to discover the best possible way of governing the operations of Llano gives indication that while Harriman excelled in the courts, mechanically and pragmatically he had a great deal to learn.[58]

By 1917, however, problems were mounting upon problems. Some were simple; others were not so easy to solve. One early problem was the question of older people in the colony: what should be done with those who became incapacitated through old age, accident, or sickness, and therefore unable to earn anything? The general assembly, in a rare moment of unanimity, voted unanimously that "all such people should be cared for by the colony for the rest of their lives."[59]

Other problems were not so easy to solve. One was the matter of outside ridicule. The Los Angeles *Times* was definitely antagonistic to the Socialist cause, a feeling which perhaps can be understood in view of the 1910 bombing. In addition to the $500 down payment for stock, Harriman had taken payments in kind, since the colony might find use for tools or equipment. Thus the Los Angeles *Times* described a "fleet of rowboats" rotting in the sun of the Mojave Desert.[60] Actually there were only a few boats, and they were used in the colony's swimming hole.[61] A running battle was carried on between an unfavorable press and the Socialist papers which sometimes caused a straying from the realm of factual reporting.[62]

Since the colony attracted many people on a materialistic basis, problems arose as to doing a fair share of work. The original appeals of a four dollar wage and an eight-hour day were not based on Socialist ideals.[63] One colonist, named Gibbons, was a notorious slacker. He was well versed in Socialist doctrine, but when it came to working he developed mysterious aches and pains, none of which ever showed physically, but all of which kept him from doing active work. This came to be known as "gibbonitis"—the colony name for a shirker.[64]

Another problem stemmed from the wage agreement of the contract—that each colonist would receive four dollars a day, less deductions. The wage agreement, that of punching a card for so many hours of work, failed to operate properly, and the credits came to be called first "Christian Science money" (sheer faith), and then "dobey money," because the adobe walls of the houses melted away if a trickle of water penetrated from the roof. As the adobe walls gradually became worthless, so did the value of the credits. This contributed to a disillusionment in the goals of the colony.[65] In addition, books and records were impossible to keep—food and clothing were in constant demand from the commissary. Misunderstandings occurred as to what credits were for, how much each was worth, or to what they applied. Finally, the wage system was abandoned; before that happened, the commissary began giving away supplies.[66]

Food was difficult to obtain, and until crops were planted and harvested, it had to be trucked in from Palmdale or Los Angeles. Hotel groceries were purchased from wholesale houses; some clothing was also bought.[67] Disagreements often occurred over petty things. Llano's print shop got into trouble with the printer's union, because the publications printed at Llano had no union label. An arrangement was finally made.[68]

Money to pay for all the supplies and lawsuits was an almost insurmountable problem. By 1917, the annual interest charges on loans to Llano were making a heavy demand on the colony earnings.[69] Suddenly, the colony found it had a tiger by the tail. Applications and checks came steadily in, for publicity was still being printed in the *Western Comrade* and in other Socialist journals. With each arrival of cash, there was a postponement of the possibility of running short on food or vital supplies. But this postponement was two-edged; with the payments came another member and his family. The colony might thus acquire money for supplies, but also extra people. Each successive financial windfall went a little less far.[70]

The progress in the building of houses has already been described. Yet even the elements proved to be hostile. In December, 1915, and again in February, 1916, two "big winds" occurred, knocking down tent houses and damaging property.[71] But the final blow came from an item that had held the optimistic hopes of all, and which made all other problems seem petty by comparison. This problem was one of water: there was not enough of it. The crops had to be irrigated, and the colonists had built long, open irrigation ditches from the creeks to their fields. The open ditches were unwise: the water evaporated at an alarming rate. Lawsuits over water rights came to be of secondary importance to the now glaring fact that the supply could not support Llano's 1917 population. It soon came to light that the original examination of the Big Rock Creek location had been optimistic in the extreme. The soil proved to be a decomposed granite, without any bottom, and so deficient in humus that it failed in productivity for certain kinds of crops. The fact was that an earthquake fault allowed too much water to escape in years of small rainfall, diverting much of the water from the Llano property. Added to this was the fact that years of small rainfall were the usual rather than the unexpected happening. It also became apparent that the projected reservoir would be of far less capacity than early indications had shown. These facts became known only gradually.[72]

Soon, water had to be hauled in from Little Rock Creek, ten miles away from the colony's location. The water was brought by horse and wagon, in big barrels. A crude purification process was used, where water was placed in the barrel after wood charcoal was put in. This kept the water from becoming stagnant. Purified water was also supplied by the laundry, which possessed a condenser unit that purified water through a steam process, though this probably only provided a fraction of what was needed. Cisterns were also built, composed of rock, gravel, and ashes. And, of course, the water was always being boiled.[73]

It was not enough. The company had, after all, made a mistake in selecting the site for its colony, and this was fully realized by the spring of 1917. When Harriman spoke at the May Day anniversary of 1917, he faced a crowd of nearly 1000 colonists. At this time Harriman spoke of the progress since the colony's beginning; yet by this time he was looking for a place where the land was better and the water was not such a problem.[74]

Llano lay to the east of Big Rock Creek. West of this creek were large, settled ranches with prior water rights to the creek. To deepen the ditches east of the creek would be to deprive the ranches of their rights and so break the law. This was not something the courts could solve. The water supply was inadequate, and that was it.[75]

Harriman started checking around for a new location. He bought 2700 acres in the San Joaquin Valley, but nothing came of this purchase. Then Jake Rhodes, a Socialist lecturer, visited Llano. He informed Harriman about a place in Louisiana that was up for sale, and which might prove ideal for a new location for the colony. Rhodes had been told of this land by James D. Scoggins, a Texas real estate salesman, who was an agent for the Gulf Lumber Company, the company that wanted to sell the land. Scoggins visited Llano, and a tentative deal was made: colonists would come from Llano, and Scoggins would get up a group from Texas, who would finance the new location and live in the colony along Llano lines and principles. Harriman and several others visited the proposed site, liked it, and bought it for $120,000. The Llano property was mortgaged for $5000 cash; the Llano property in California was not to be given up, but to be scaled down in order to accommodate itself to the land.[76]

It should be kept in mind at this point that the Llano colony in California was not to be abandoned, but to be continued on a smaller scale. By October, 1917, preparations for the big move were under way. It did not come as a surprise to anyone; some knew that a move would eventually have to be made as far back as 1916.[77]

There is no exact number as to the amount of people who made the actual migration. Llano's peak in population had been around one thousand in August, 1917; but many factors contributed to its being whittled down—the lack of supplies for such a large number; the fact that America was now in World War I, and high-paying jobs were available in the cities; the disillusionment when faced with what the four dollar pay really was, as contrasted with the advertisements; and an unwillingness to make the move to Louisiana, or stay with a cut-down Llano. Whether or not a panic occurred, with people feeling they were being abandoned, is a matter of conjecture. Livestock was shipped, machines were crated up and sent to the new location (the name being changed from Stables to Newllano, Louisiana), and a train was chartered. Anyone who wished to make the move to Newllano could go on the train, free of charge. The bulk of the colonists who made the move went on the train, with a final expedition taking the printing and woodworking machinery.[78]

The Los Angeles *Times* attacked the move with a vicious glee. Little subtlety can be detected in the newspaper articles, and the tone of the writing is that of mockery and hostility. The opinions of the *Times* and those who made the trip are so divergent that the true details of the trip will probably never be known.[79] Estimates of the number of persons who made the trip vary between sixty-five adults, most with families, to four hundred who found their way to Newllano by March, 1918. The eventual number may have gone as high as six hundred.[80]

As for the colonists who remained, the purpose of Llano in California was to develop the property as fruit lands. Early in 1918, ten thousand pear trees were planted, and colonists were needed to put in irrigation pipes and to take care of the trees.[81] W. A. Engle was left in charge of the ranch, with Gentry P. McCorkle in general charge, especially of the financial affairs.

The reporters of the Los Angeles *Times* did not see things this way at all. Their interviews of remaining colonists were followed by articles recording stories of stranded people, penniless and with no place to go, and in such straits that they could not make the trip from Llano to Los Angeles.[82]

Then a weakness in human motivation caused more headlines. McCorkle, left in charge of the colony lands, proved untrustworthy in several ways. According to Ernest Wooster, who was working with Harriman to get Newllano going, McCorkle "induced the workers left [in California] to demand $100 a month cash wages, which he advanced to them for a time, taking the property as security. Later no cash wages were forthcoming, and the workers left . . . giving [McCorkle] his opportunity to secure the entire property."[83] A lawsuit, followed by many more lawsuits, came up over the land dispute.

It is the view of Walter Millsap, who knew McCorkle, that he was not acting out of avarice, but out of weakness. McCorkle was basically a good man who had invested a considerable amount of money in Llano, had become frightened at the way the colony was going—for Newllano was having its own share of problems in Louisiana—and had acted in an attempt to retrieve the money he had invested. No small amount of bitterness resulted from this.[84]

In May, 1918, officials from the district attorney's office invaded Harriman's office, served subpoenas, and confiscated books and records. Harriman was not present at this time: he was in Louisiana, helping to get things settled. With the subpoenas requiring a hearing before the grand jury as to why the colony failed, the Los Anglese *Times* took credit for "the blowing up of the Socialistic dream of turning the desert into a community El Dorado for all disciples of equal wealth distribution."[85] Following days saw complaints being filed with the district attorney by colonists claiming to have lost savings and homes because of the Llano move.[86]

In the months to follow a number of people were to come forward with complaints about the company. One couple, penniless, was forced to walk from Llano to Palmdale, as they did not have the price of a ride. Other complaints involved stocks that could not be redeemed and uncollected suits for damages. Oddly enough, the people's faith in the idea of the Llano Colony was still untarnished. They still felt, as they made their complaints to investigating officers, that "the colony would have been a commercial and financial success if it had not been mismanaged."[87]

Then, on August 2, 1918, eight petitioners, alleging that Llano owed them money on notes given for work performed on the Llano land, filed involuntary bankruptcy proceedings against Llano, in the United States District Court. The notes ranged from $500 to over $2000.[88] By October, suits were being filed to foreclose the mortgages on Llano. The suits covered both the real and chattel property. As far as a Utopian colony was concerned, Llano had been abandoned. It was announced that the property would be developed by a holding company; no Socialists, or colony of them, were included in the plans.[89]

To all intents and purposes, this marked the end of the Llano colony in California, except for isolated bits of information to appear in the newspapers from time to time. The problems of Newllano and the working at the solutions to those problems is another story. Newllano, Louisiana, remained in existence until 1937, giving the Harriman-inspired movement a life-long existence of some 23 years. Harriman's control of the colony was superseded by George Pickett, and eventually Harriman returned to California, where he died on October 26, 1925, at the age of sixty-four. The cause of his death was tuberculosis, a disease which had afflicted him for over thirty years.[90] Few of Harriman's writings survive today. Harriman's wife had opposed his Socialist ideas and upon his death, burned his papers, according to Walter Millsap.

Llano became a ghost town. Eight years after Harriman's death, the Los Angeles County Board of Supervisors voted to rescind the dedication of the streets in the former colony, and the city was officially given back to the desert and the sagebrush. The last surviving members of the colony had deserted in 1931; and the streets and the buildings were crumbling away.[91]

Although physically gone, the spirit of Llano was far from dead. A reporter for the Los Angeles *Times* revisited the site in 1949 and wrote a large article on Llano, considerably toned down from the old animosity, and included a full page of "then and now" photographs.[92] Aldous Huxley took up his pen to write a subjective article in 1953, pointing up the fallacies which attended the colony and contributed to its downfall.[93]

NOTES

1. Willoughby Rodman, *History of the Bench and Bar of Southern California* (Los Angeles, 1909), p. 170.

2. *Who's Who in America* (Chicago, 1918), p. 1194.

3. Rodman, *History of the Bench and Bar*, p. 170.

4. For an interesting account of these events, see Carey McWilliams, *Southern California Country* (New York, 1946), pp. 281-83.

5. Ernest S. Wooster, *Communities of the Past and Present* (Newllano, 1924), p. 118. Hereinafter cited as Wooster, *Communities.*

6. *Ibid.*, p. 119.

7. *Ibid.*, p. iii. The introduction to this book was written by Job Harriman.

8. *Ibid.*, p. 119.

9. Archibald Roy Clifton, "History of the Communistic Colony Llano del Rio," *Annual Publications of the Historical Society of Southern California,* XI (1918), p. 80.

10. Hugh S. Hanna, "The Llano del Rio Cooperative Colony," U. S. Bureau of Labor Statistics, *Monthly Review,* II (January, 1916), p. 20.

11. Cf. Wooster, *Communities,* p. 119; Robert V. Hine, *California's Utopian Colonies* (San Marino, 1953), p. 117; and Alexander James McDonald, *The Llano Cooperative Colony and What It Taught* (San Antonio, 1950), p. 15.

12. Wooster, *Communities,* p. iii.

13. *Ibid.*, p. 120.

14. "Agreement to Purchase Stock and Agreement of Employment," December 1, 1916; uncatalogued MS, Huntington Library.

15. Hine, *California's Utopian Colonies,* p. 118.

16. Llano *Colonist* (Newllano edition), January 14, 1933.

17. *Ibid.*

18. Los Angeles *Evening Herald,* December 6, 1911. Alexander, the winner, had 85,849 votes; Harriman received 49,632 votes, the second highest number.

19. Hine, *California's Utopian Colonies,* p. 120.

20. Llano *Colonist,* January 14, 1933.

21. Archibald Roy Clifton, "A Study of Llano del Rio Community in the Light of Earlier Experiments in Practical Socialism" (unpublished Master's thesis, Doheny Library, University of Southern California, 1918) p. 64. Hereinafter cited as Clifton, *Thesis.* It should be noted that colonists could and did invest their entire savings in the Llano venture. For example, Meyer Elkins was unemployed at the time he heard of Llano; his house was used in place of money as an exchange for stock. Interview with Nathan Elkins, eldest son of Meyer Elkins, December 14, 1960. Mr. Elkins also stated that the Llano Company then sold the house, using the money for the purchase of supplies or the improvement of the colony.

22. Clifton, *Annual Publications,* XI (1918), p. 82.

23. Excerpts of the first report are quoted in Clifton, *Thesis,* p. 29. Cf. Hanna, *Monthly Review,* II (January, 1916), p. 20.

24. Wooster, *Communities*, p. 120.

25. Ernest S. Wooster, "Bread and Hyacinths," *Sunset*, LIII (August, 1924), p. 21.

26. Interview with Nathan Elkins, December 14, 1960.

27. Clifton, *Annual Publications*, XI (1918), p. 87.

28. Hanna, *Monthly Review*, II (January, 1916), p. 21.

29. Wooster, *Sunset*, LIII (August, 1924), p. 21.

30. Interview with Nathan Elkins, December 21, 1960. Mr. Elkins has in his possession several photographs of colony life, including pictures of his home. His father, Meyer Elkins, ran a photography studio at Llano.

31. Hanna, *Monthly Review*, II (January, 1916), p. 20.

32. Tape recording of the voice of George Pickett [1958], made at Newllano, Louisiana, by Walter Millsap.

33. Interview with Nathan Elkins, December 14, 1960.

34. Clifton, *Annual Publication*, XI (1918), p. 85.

35. *Ibid.*

36. Wooster, *Sunset*, LIII (August, 1924), pp. 22-23. Elkins describes the destruction of the plane (by fire, on the morning of the scheduled flight) as occurring at 3 a.m. The flight was scheduled for 5 a.m. Interview with Nathan Elkins, December 14, 1960.

37. Llano *Colonist*, April 30, 1932.

38. *Ibid.*

39. *Ibid.*

40. Clifton, *Thesis*, p. 25.

41. Interview with Walter Millsap, ex-colonist, October 16, 1960.

42. Wooster, *Communities*, p. 70.

43. Aldous Huxley, "Ozymandias, the Utopia that Failed," *Fortnight*, XIV (April 27, 1953), p. 10.

44. Footnote in Hine, *California's Utopian Colonies*, p. 124.

45. Los Angeles *Times*, January 9, 1916.

46. Clifton, *Thesis*, p. 49.

47. "Agreement to Purchase Stock and Agreement of Employment," MS, Huntington Library. When the colony broke up, this part of the contract could not be realized.

48. Clifton, *Thesis*, p. 53.

49. Wooster, *Sunset*, LIII (August, 1924), p. 23.

50. Los Angeles *Times*, October 17, 1918.

51. Wooster, *Communities*, pp. 121-22.

52. Los Angeles *Times*, March 12, 1917.

53. Ernest S. Wooster, "They Shared Equally," *Sunset*, LIII (July, 1924), p. 22.

54. Llano *Colonist*, January 28, 1933.

55. Ernest S. Wooster, "Inside a Cooperative Colony," *Nation,* CXVII (October 10, 1923), p. 378.

56. Llano *Colonist,* February 11, 1933.

57. *Ibid.,* January 28, 1933.

58. Interview with Walter Millsap, October 16, 1960.

59. Clifton, *Thesis,* p. 32.

60. Los Angeles *Times,* March 7, 1949.

61. Interview with Walter Millsap, October 16, 1960.

62. McWilliams, *Southern California Country,* p. 286.

63. Ernest S. Wooster, "The Colonists Win Through," *Sunset,* LIII (September, 1924), p. 79.

64. Wooster, *Sunset,* LIII (August, 1924), p. 23.

65. Hine, *California's Utopian Colonies,* p. 120. Hine refers to the wage system as "alluring bait," and a "materialistic inducement." The methods used to attract colonists appealed to people who had a greater interest in food, clothing, and a home, rather than Socialism.

66. Interview with Walter Millsap, October 16, 1960.

67. *Ibid.*

68. *Ibid.*

69. Clifton, *Thesis,* p. 86.

70. Huxley, *Fortnight,* XIV (April 27, 1953), p. 10.

71. Nathan Elkins describes a big wind—he is not sure of the date—of such ferocity that it lasted three days, blowing away part of the roof and caving in a portion of the adobe wall of his house. He states that "tents blew down the street like paper . . . even a wagon tipped over." Interview with Nathan Elkins, December 14, 1960.

72. Llano *Colonist,* January 21, 1933.

73. Interview with Nathan Elkins, December 14, 1960.

74. Llano *Colonist,* April 30, 1932.

75. *Ibid.,* February 18, 1933.

76. *Ibid.*

77. Interview with Walter Millsap, October 16, 1960. An interesting point was brought out in the interview with Nathan Elkins; namely, if a family did not like colony life, it would have been difficult to move out (although some did so during the colony's existence), as an investment in the colony's future was often a total one. Interview with Nathan Elkins, December 14, 1960.

78. Llano *Colonist,* February 18, 1933. On the other hand, Nathan Elkins maintains that the administration could not pay for all the people to be sent over. Interview with Nathan Elkins, December 14, 1960. Elkin's mother maintains that the problems of transfer were too great for her family—her children were too little, and her husband was ill from sunstroke. She also states that the colony could give nothing to the remaining colonists who simply wanted to leave Llano, although McCorkle, for example, was described as "nice in the beginning." After

the breakup, the Elkins family was transported back to Los Angeles by car—one of the first families to arrive at Llano, it was one of the last to leave. The Elkins family wound up with nothing, "not even five dollars." Interview with Mrs. Ida Elkins, December 16, 1960.

79. Cf. accounts in the Llano *Colonist,* February 18, 1933; McDonald, *Llano Cooperative Colony,* p. 23; and the Los Angeles *Times,* March 8, 1918.

80. Footnote in Hine, *California's Utopian Colonies,* p. 129. Hine's source for this figure is Walter Millsap.

81. Los Angeles *Times,* March 8, 1918.

82. *Ibid.* Cf. Los Angeles *Times,* May 16, 1918, and August 2, 1918.

83. Wooster, *Sunset,* LIII (August, 1924), p. 60. The article does not mention McCorkle by name, but the description could fit no other person.

84. Interview with Walter Millsap, October 16, 1960; Wooster, *Communities,* p. 127.

85. Los Angeles *Times,* May 15, 1918.

86. *Ibid.,* May 16, 1918.

87. *Ibid.,* July 19, 1918.

88. *Ibid.,* August 2, 1918.

89. *Ibid.,* October 17, 1918, and October 18, 1918.

90. *Ibid.,* October 28, 1925.

91. Los Angeles *Herald-Express,* May 24, 1933.

92. Los Angeles *Times,* March 7, 1949.

93. Huxley, *Fortnight,* XIV (April 27, 1953), pp. 9-13.

The Instructions of Viceroy Bucareli to Ensign Juan Perez

Translated by MANUEL P. SERVIN

THE NAME OF Viceroy Antonio María Bucareli y Ursúa is one that is revered by both Mexican and California historians. Bucareli, one of the few peninsular officials of New Spain beloved by all classes of Mexicans, is remembered in Mexico for his great achievements in administering the viceroyalty. During his term of office he "attended carefully to the organization of the military forces and coast defences; to the well-being of the new settlements in California; an honest and economic management of the royal treasury, . . . the police and administration of justice; the development of public instruction and the arts of peace."[1] In California, Bucareli, regarded by some historians as "the greatest hero who has ever appeared in the field of California history,"[2] is remembered for his part in saving the province from abandonment. Besides improving the supply ship service and thus saving California from famine, he is largely responsible for both the Echeveste and Neve *reglamentos*, the opening of the overland route from Sonora to California, the exploration and occupation of San Francisco, and the discovery and exploration of the Pacific Northwest.

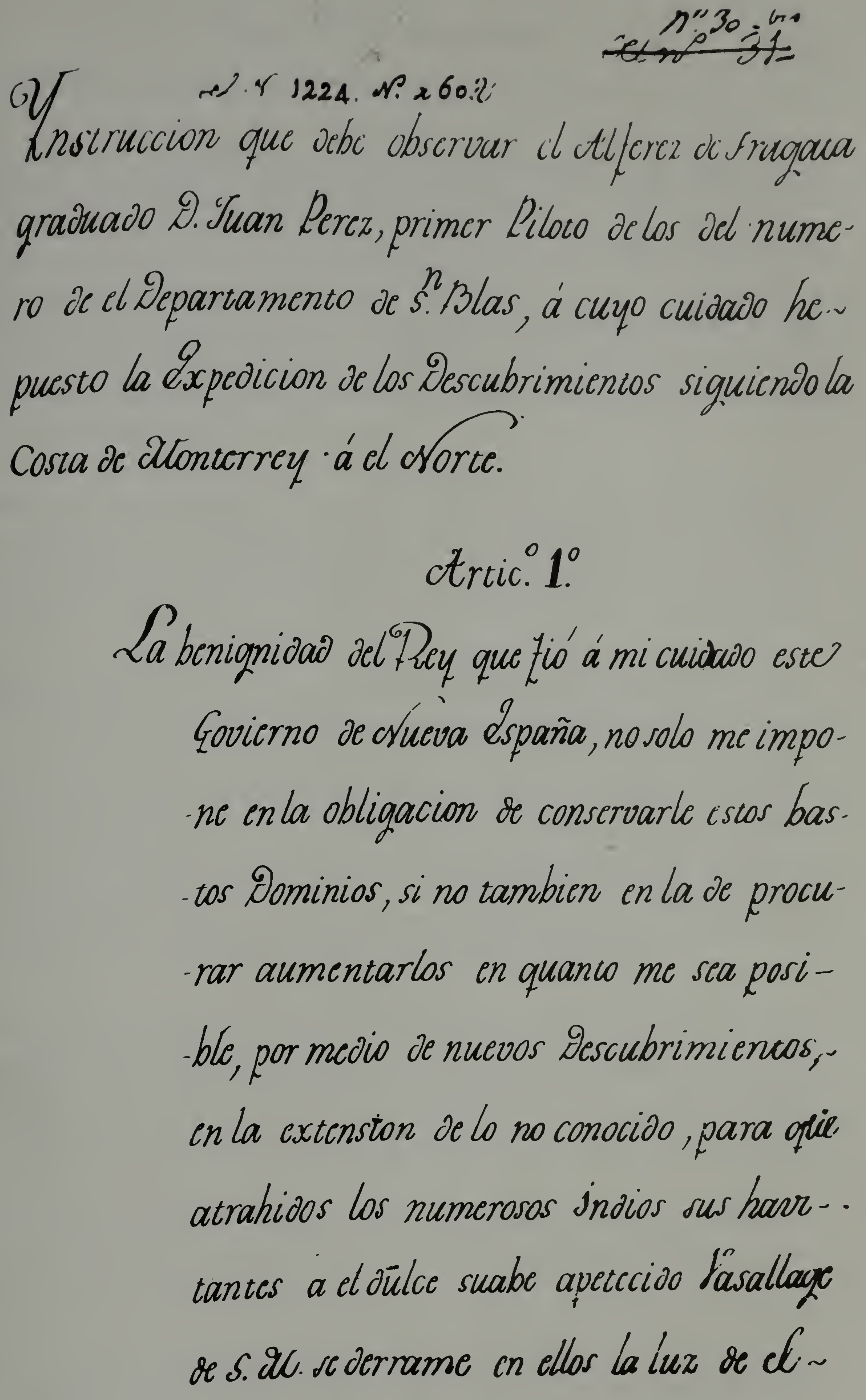
Bucareli's consuming interest in the province of California, although influenced by religious motives, stemmed from his desire to prevent foreign encroachment in northern New Spain. His recognition of California's strategic value as a buffer colony governed his measures affecting the province. Nowhere is this policy more evident than in his decision of 1773 to despatch Juan Pérez on an expedition of discovery and exploration of the Pacific Northwest. Bucareli's decision resulted, not from scientific interest or religious zeal, but from the reports of Russian activities in northwestern North America.

Pérez' expedition, despite his failure to discover any Russian activities in the Pacific Northwest in 1774, is historically important. His expedition sailed as far north as fifty-five degrees latitude,[3] and he became the discoverer of the area, although he did not formally claim the territory by taking possession. Perhaps as historically important as his expedition and its accounts are the instructions which he received from Viceroy Bucareli.[4] These instructions give an insight, though extremely limited, of the Viceroy's interest in both religious matters and the welfare of the Indians. They also serve, when compared with the accounts of the expedition, as a limited means of judging the achievements and skill of Juan Pérez, the renowned naval figure of early provincial California. But of far greater significance than the above considerations is their illustration of the importance which the Spanish government attached to the ceremony of possession-taking for acquiring *terra nullius.*

A cursory reading of the entire instructions immediately reveals that the Spaniards, like the English of a previous century,[5] adhered to the doctrine that sovereignty over *terra nullius* was obtained by the execution of symbolic acts of possession. Thus, Pérez not only received minute details on the performance of these symbolic acts but also a formulary or model for drawing the testimony or instrument of possession-taking. This formulary, which in keeping with Bucareli's extreme piety relied heavily on religious ceremonies and propounded the Alexandrine Donation of the New World,[6] served as the model for later symbolic acts performed in the Pacific Northwest by Bruno de Hezeta and Juan Francisco de la Bodega y Cuadra (1775),[7] Ignacio Arteaga and Bodega y Cuadra (1779),[8] Esteban José Martínez and Gonzalo López de Haro (1788),[9] José Martínez (1789),[10] and Salvador Fidalgo and Manuel Quimper (1790).[11] It was upon these acts, based on Bucareli's instructions to Pérez, that Spain sought to maintain her rights of sovereignty over the Pacific Northwest during the Nootka Sound Controversy with Great Britain.[12] Furthermore, the United States, after the Adams-Onís Treaty, partially based its claims to the Oregon Country upon Spanish rights, to which the possession-taking ceremonies were fundamental.

BUCARELI'S INSTRUCTIONS

Instructions which must be observed by acting Ensign Don Juan Pérez, first pilot of those appointed to the Department of San Blas, whom I have placed in



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Ynstruccion que debe observar el Alferez de Fragata graduado D. Juan Perez, primer Piloto de los del numero de el Departamento de S.n Blas, á cuyo cuidado he puesto la Expedicion de los Descubrimientos siguiendo la Costa de Monterrey á el Norte.

Artic.º 1.º

La benignidad del Rey que fió á mi cuidado este Govierno de Nueva España, no solo me impone en la obligacion de conservarle estos bastos Dominios, si no tambien en la de procurar aumentarlos en quanto me sea posible, por medio de nuevos Descubrimientos, en la extension de lo no conocido, para que atrahidos los numerosos Indios sus havitantes a el dulce suabe apetecido Vasallage de S. M. se derrame en ellos la luz de el

First Page of Viceroy Bucareli's Instructions to Ensign Juan Pérez
Courtesy of the Archivo General de la Nación, Mexico

charge of the exploratory expedition along the coast from Monterey to the north.[13]

ARTICLE I

The kindness of the King, who entrusted this government of New Spain to my charge, not only imposes on me the obligation of preserving these vast territories for him but also that of endeavoring to enlarge them, as much as I am able, through new discoveries in unknown areas, so that their numerous Indian inhabitants, attracted to the kind, mellow, and desired vassalage of His Majesty, may receive by means of the spiritual conquest the light of the Gospel which will free them from the darkness of idolatry in which they live, and will show them the road to eternal salvation. These are the true motives that move the pious royal heart of His Majesty in these undertakings.

II

With this just and important end in view, I have decided that Don Juan Pérez, acting Ensign of the Royal Armada and first pilot of those appointed to the Department of San Blas, observing the orders which these instructions lay down, take charge of the exploration following the coast from Monterey to the north.

III

The ship which has been selected for this undertaking and which he must command is His Majesty's frigate named the *Santiago* (otherwise called the *Nueva Galicia),* [14] which in accordance to his wishes will be armed, supplied with ammunition, and equipped with everything that is needed. Its complement, besides the aforesaid captain, will consist of a second pilot, a chaplain from the Apostolic College of San Fernando in this capital, a surgeon, a boatswain, a first and second boatswain mate, a first and second calker, a first and second steward, a gunner, fourteen helmsmen, twenty seamen, thirty apprentice seamen, six cabin boys, and four cooks – all of which add up to eighty-eight [*sic*] enlistments.

IV

There have been placed aboard ship a medicine chest for the prompt treatment of illness, provisions for twelve months, and the other stores which have been considered necessary for the prolonged sea voyage that is being undertaken. Four boxes of assorted beads containing four hundred and seventy bundles have also been placed aboard.

V

The captain should depart from the port of San Blas when he considers it suitable, according to his judgment and experience, which was acquired in the numerous voyages made to Monterey.

VI

Since this vessel is carrying supplies to the new settlement and missions of Monterey and for this reason must stop at this port, I strictly warn the captain to stop there only long enough to unload whatever is to remain at that presidio and to set sail, taking advantage of the opportunities which the season offers for his course.

VII

For his course he is to ascend to the latitude which he considers suitable, keeping in mind that the landing is to be made at sixty degrees of latitude. After the landfall has been made, he will follow the coast looking for Monterey.

VIII

On the way down to this port, sailing as closely as possible to the coast, never losing sight of it, he will endeavor to make the most minute exploration and to land at those places where it can be done without obvious risk.

IX

He is not to make any settlement, no matter how advantageous and simple it may seem to him. However, he will conspicuously mark out the places which he considers suitable so that it may not be too difficult to find them if, in view of his reports, it should be decided to send an expedition to occupy them.

X

In the above-mentioned places, which he may consider suitable for settlement, he can and must take possession in the name of the King according to the terms which he[15] will receive from the draft or formulary which is placed at the end of these instructions.

XI

All places where possession is taken will be marked with a large wooden cross, making its pedestal from rocks and concealing in it a bottle or glass flask in which he will place a copy of the testimony of possession signed by him, the chaplain, and the two pilots. And in order that in the days to come this document may better be preserved and may serve as an authentic testimony, the bottle will be sealed tightly with pitch.

XII

If any foreign settlement should be discovered, he will sail farther north before disembarking and beginning the ceremony of possession-taking. And since it is indeed for the good of the royal service that he do it in this manner, I especially call this to his attention so that he will regard this subject with all the consideration and care which is necessary in order not to err in the matter through lack of attention.

XIII

In the aforesaid event of discovering a settlement (which is discussed in the preceding Article XII), he will endeavor to avoid intercourse with it; but from a distance he will observe whatever he can, noting its location, the landmarks they may have built, the number of inhabitants, and if they have or do not have vessels to depend upon.

XIV

If another vessel is encountered, he must be very careful and must use all the means available to avoid communication. In the event that this should prove inevitable (which must be proved on his return here) he will endeavor to conceal the purpose of his voyage. If the vessel encountered should be more powerful and should question him and oblige him to answer, he can state that he sailed from San Blas with provisions for the new settlement of San Diego and Monterey, provided he is within a reasonable latitude; but if he is beyond this, it will be necessary to add to the above-said that the weather has driven him further, etc.

XV

If settlements of Indians are found on the locations where he lands, after he has treated them affectionately and given them some of the articles which he carried for this purpose, he will endeavor to learn about their customs, characteristics, their mode of life and their neighbors, the number of tribes, whether they live in peace or war among themselves, what religion they profess, what idols they worship, what sacrifices and religious rites, whether there exists among them some body of knowledge or manner of writing, and how they rule and govern themselves.

XVI

He will also endeavor to learn if they have kings; or if their system of government is republican or through family descent; what taxes and tributes they pay and render, in what way, to what persons; what are the things they value the most, which of these are found in the area, and which are those that are brought in from other places and which they esteem.

XVII

He will learn if there are metals in the region and of what quality; if it produces spices, drugs or aromatics, wheat, barley, corn, beans, chick-peas.[16] For this purpose he will carry some foodstuffs, such as pepper, cloves, cinammon, nutmeg, and others, which may serve as samples to be shown to the Indians, so that they may understand more readily—the eyes providing the explanation lacking for want of knowledge of the language.

XVIII

It is also desirable to investigate whether there is some kind of precious stones or articles which our nation considers valuable; to learn which are the domesticated and the wild animals, the characteristics of cultivated and wild trees and plants, and the use made of them.

XIX

He must not be satisfied solely with making the investigations indicated in the preceding articles, but he must also learn, by any means possible, if the Indians have ever seen other vessels before; if they have ever become acquainted with people different from their own, when, what were their aims and ambitions; if they penetrated into the interior or if they followed the coastline; if they gave them gifts and treated them well; if some of their gifts or tokens are still kept; if they promised to return—in all of these he will become thoroughly informed, by means of sign language or as best he can, recognizing the very great importance of this knowledge and information.

XX

He will not take anything from the Indians against their will, but only in barter or given by them through friendship. All must be treated with kindness and gentleness, which is the most efficacious means of gaining and firmly establishing their esteem. Thus, those who may return to these places for the purpose of establishing settlements, if it be so decided, will be well received.

XXI

For gifts to the Indians, there are four boxes of beads containing 468 bundles, which he may distribute equitably, being careful to give more to the principal Indian who ranks higher among them, than to the lesser ones.

XXII

He must maintain good order among the crew, looking after them both when sailing and when a landing must be made, in order to prevent lack of obedience or of good treatment of the Indians—against whom force will never be used except when it is necessary for self-defense.

XXIII

Should the packet boat be damaged by a storm or some other accident and it cannot be repaired at sea, it will sail for Monterey for repairs. And in case of an urgent need of food, it will go to the same port for provisions. With this consideration in mind, I have ordered that the provisions which are thought necessary, in addition to those designated for the people of that presidio and its mission, be sent from San Blas.

XXIV

Whenever he should find it necessary to enter Monterey or San Diego, he must keep in mind that before entering those ports he must respond from a suitable distance to the flag that is raised at the presidio by hoisting to the top of the foremast a white pennant with His Majesty's arms, which is the signal to be given to the commandants of the above-mentioned presidios so that they may not be surprised by foreign vessels.

XXV

From the very moment that he sets sail from San Blas, he will keep an exact logbook of all the navigational details, noting down the winds, courses, shoals, landmarks, etc., and determining the position of the sun whenever possible. Thus, nothing should be missing from the logbook that may be instructive or may furnish information and data for the voyage. Everyday that he is able to do so, he will read the daily entry which is written to the ranking officers of the packet boat; and at the end of what has been read, a certified statement should be made, attesting to the truth of the events entered. If anyone should make any observations, he is to make note of it and have it signed by everyone, so that the account of the events may be more authentically attested to.

XXVI

The pilot of the packet boat will also keep a logbook with the same accuracy, promptness, verification, and the other conditions expressed.

XXVII

The commissary of San Blas will deliver to the captain and to the pilot of the expedition, in addition to the fine quality paper, the books for the log and the copies which must be kept at the same time as the original one, so that on the very day of arrival at the port of San Blas on the return voyage, the originals may be forwarded to this superior office.

XXVIII

If the above-mentioned case (stated in Article XXIV which concerns the necessity of landing at the port of Monterey or of San Diego) should occur, he will inform this superior office of the causes and reasons which have obliged him to do so, delivering sealed copies of his log and the pilot's to the commandant of the presidio, so that they may be sent overland to the governor of Lower California in order that the latter may forward them from Loreto to this superior office on the first opportunity.

XXIX

On resuming the voyage, the captain and pilot will begin another copy. With this in view, I have ordered that six books be delivered to each of them.

XXX

Under no circumstances should he antagonize the Indians or forcibly take possession of land. If he should encounter difficulties in some location, he can perform it in its adjacent regions, realizing that his principal concern is limited to exploration of the coast as far north as he can sail, in order to learn if there is a foreign settlement and to bring back some information concerning the difficulties or the means for a better examination of the intelligence he may obtain.

XXXI

Notwithstanding that the charts published in St. Petersburg in the years 1758 and 1773, concerning the alleged voyages of the Russians, may be of little use to him, copies are included so that he may not be without this information.

XXXII

He, and those who accompany him, must expect compensation for their labors from the generosity of the King in accordance with their zeal and its good results, for I shall inform His Majesty at the opportune moment.

Mexico, December 24, 1773. Antonio Bucareli y Ursúa

The formulary which must be used as a model in writing the testimonies of possession-taking in the discoveries of which Ensign Don Juan Pérez is in charge.

In the name of the most holy Trinity, Father, Son, and Holy Spirit, three persons and a single true God, who is the Beginning, Maker, and Creator of all things, without whom nothing good can be made, begun, or preserved.

And because the good beginning of anything whatsoever must be in God and for God, and because it is fitting to begin it in his name and honor, in his most holy name let it be known to all those who may see the present testimony, instrument, and letter of possession that on this day, which is____________________[a], the____________________[b], day of the month of____________________[c], of the year 1774, on the arrival of the frigate named the *Santiago* (otherwise called the *Nueva Galicia),* belonging to the Very Mighty, Very Illustrious and Catholic Lord, Don Carlos III (King of Castile, of León, of Aragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaén, of the Algarve, of Algeciras, of Gibraltar, of the Canary Islands, of the East and West Indies, of the islands and mainland of the Ocean Sea; Archduke of Austria; Duke of Burgundy, of Brabant, and of Milan; Count of Hapsburg, of Flanders, of Tyrol, and of Barcelona; Lord of Biscay and of Molina, etc.) which by order of the Most Excellent Lord, Bailío[17] Frey[18] Don Antonio Bucareli y Ursúa Henestrosa Laso de La Vega Villacís y Córdoba (Knight of the *Gran Cruz* and Knight Commander of the *Bóveda de Toro* in the Order of His Majesty with the privilege of entrance; Lieutenant General of the Royal Army; Viceroy, Governor, and Captain General of this New Spain; President of its Royal *Audiencia;* Superintendent General of the Royal Treasury; President of the Board of Tobacco, Judge Conservator of this Branch; and Subdelegate General of the Postal Revenues of this same Kingdom) sailed from the port of San Blas, one of those of the Southern Sea in the territory of the same viceroyalty, on________[d], of the present year for the purpose of discovery along the coast from Monterey to the north, and which was under the command of Don Juan Pérez, Acting Ensign in the Royal Armada; and while it [the *Santiago*] was anchored in this ____________________[e], now newly renamed____________________[f], the aforesaid captain (having landed with the greater part of the frigate's sailors and troops, and with Fray________________[g], a religious of our Father Saint Francis of the Apostolic College of San Fernando of Mexico) took a cross on shore and with all of the complement devoutly adored it on his knees. The religious sang the canticle "Te Deum Laudamus." In a loud voice he [the captain] said that in the name of His Majesty the King, Don Carlos III, Our Sovereign (whom may God Our Lord keep for many years with an increase of greater states and kingdoms for the service of God and the well-being and prosperity of his vassals and of the very powerful lords and monarchs, his heirs and successors in the future) he, as captain of this frigate and by virtue of the order and instructions which in the royal name were given to him by the aforesaid Most Excellent Viceroy of New Spain, was taking and took possession, was seizing and seized possession, of this land where he has at present disembarked, which he has discovered forever and ever in the said name of the Royal Crown of Castile and León (as stated above) as its own property, which it is and which really belongs to it [the Crown] by reason of the Donation and Bull of the Very Holy Father Alexander VI, Supreme Pontiff of Rome (which he issued *motu proprio,* giving one half of the world to the Very High and Catholic Lords Fernando V and Isabel his wife, of glorious memory, and to their successors and heirs), given at Rome on May 4 of the year 1493. By virtue of this, these lands belong to the said Crown of Castile and León, and as such he takes and took the aforesaid possession of these lands and their adjoining districts, seas, rivers, coves, ports, bays, gulfs, archipelagos, and this said____________________[h] where this frigate is presently anchored; and he was placing and did place them under the power, possession, and dominion of the said Royal Crown of Castile and León (as stated above) as its own property, which it is. As a sign of possession, *vel quasi,* drawing out his sword which hung at his side, he cut trees and branches and plants, and he moved stones, and he walked back and forth on the fields and beaches without encountering opposition, asking those present to be witnesses of it and me__________________[i], being the notary appointed by the captain of this expedition, to draw the deposition of witnesses in public form. Then immediately taking a large cross on their shoulders, the men of the frigate, having been disposed in battle order with muskets and other arms, carried the cross in procession while the religious, ________________[j], chanted a litany with everyone answering the responses. The said procession having ended, the aforesaid captain planted the cross and placed a pile of stones at its foot as a monument and sign of possession of all these discovered lands, seas, and their limits, continuous and contiguous; and he named this____________________[k] (as stated above). As soon as the cross had been planted, they adored it a second time and all of them prayed, asking and beseeching Our Lord Jesus Christ to be pleased, for this would be for his holy service, for the exaltation and increase of our holy Catholic faith, and for sowing the seed of the holy Gospel among these barbarous nations (which up till now have been deprived of the true knowledge and doctrine) in order to guard and to free them from the devices and dangers of the devil and from the blindness in which they live, that their souls may be saved. Then the religious sang the hymn "Vexilla Regis"; *and immediately afterwards, on an altar which had been built, the aforesaid religious celebrated Mass, which was the first to be said in this territory for the glory and honor of Our Almighty Lord and for the extirpation of the devil and all idolatry.* ____________________[l] *confessed and received Communion; and the same religious gave the sermon.*[m] After the services had ended, the captain as a more lasting sign and monument of possession, *had a tree*[n] *stripped which he ordered made into a cross on which was engraved the Most Holy Name of Our Lord Jesus Christ with the four initials I.N.R.I.; and at the foot of the cross he put* "Carolus tertius Rex Hispaniarum." In order that this should thus be recorded, it was signed by the captain and by the witnesses______________________[o]. And, I, the notary appointed by the said captain, attest and certify that it happened as has been related.

NOTE: That an identical instrument to that made of the possession-taking must be placed in a glass bottle or flask, which will then be well-sealed with pitch, so that in accordance with Article XI of the instructions it may be left hidden as a perpetual testimony among the stones of the pile or mound which must be made next to the cross.

Mexico. December 24, 1773.

a. Sunday, Monday, Tuesday, etc., will be placed in this blank.[19]

b. The date of the day will be written here.

c. The month will be written here.

d. The day and month of departure from San Blas will be placed in this blank.

e. Bay, port, coast, anchoring place, or whatever it may be, will be placed in this blank.

f. The name which the captain may give will be written here.

g. The name of the religious will be placed in this blank.

h. The port, roadstead, etc., and name given to it will be placed in this blank.

i. The first and last name of the person whom the captain has authorized as notary will be placed in this blank.

j. The name of the religious will be placed in this blank.

k. The port, roadstead, etc., and name given to it will be placed here.

l. The names of those who went to confession and received Communion will be placed in this blank.

m. The sentences in italic[20] must be included whenever Mass is celebrated and there is time for confession and Communion.

n. If there are no trees available, it will suffice to make an equivalent which will be described in the location where the words are in italics.[21]

o. The names of the religious and of all the rest who sign it (stating their occupations) will be placed in this space.

NOTES

1. Hubert Howe Bancroft, *History of Mexico* (San Francisco, 1883), III, 372.

2. John W. Caughey, *California* (2d ed.; Englewood Cliffs, 1960), p. 115; Robert Glass Cleland, *From Wilderness to Empire*, ed. by Glenn S. Dumke (New York, 1959), p. 38.

3. Pérez apparently reached the northern point of Queen Charlotte Island. See Hubert Howe Bancroft, *History of the Northwest Coast* (San Francisco, 1886), I, 153-154.

4. Bucareli's instructions to Pérez bear the following Spanish title: "Ynstruccion que debe observar el Alferez de Fragata graduado D. Juan Perez, primer piloto de los de numero de el Departamento de Sn. Blas, á cuyo cuidado he puesto la Expedicion de los Descubrimientos siguiendo la Costa de Monterey á el Norte." The manuscript of the translation that follows is found in the Archivo General de la Nación (hereinafter indicated as A. G. N.), Mexico City, *Historia,* Vol. 68.

5. For English possession-taking activities and their respective acceptance see James Simsarian, "The Acquisition of Terra Nullius," *Political Science Quarterly,* LIII (March, 1938), 111-128; Manuel Servín, "La toma de posesión inglesa," *Revista de Indias,* Madrid, XVIII (Abril-Junio, 1958), 185-200.

6. Concerning European religious ceremonies in possession-taking activities see Manuel Servín, "Religious Aspects of Symbolic Acts of Sovereignty," *The Americas,* XIII (January, 1957), 255-267.

7. Escrituras de posesión tomada por Bruno de Hezeta, MSS, Archivo General de Indias (hereinafter indicated as A. G. I.), Seville, *Estado,* Legajo 38, Docs. 6 and 7; Escritura de posesión tomada por Juan Francisco de la Bodega y Cuadra, MS, A. G. I., *Estado,* Leg. 38, Doc. 9; Escritura de posesión tomada por Francisco Antonio de Maurelle, MS, A. G. I., *Estado* Leg. 38, Doc. 8. For location of acts see Henry Raup Wagner, *The Cartography of the Northwest Coast of America to the Year 1800* (Berkeley, 1937), I, 176-177.

8. Escritura de la posesión tomada por Ignacio Arteaga, MS, A. G. I., *Estado,* Leg. 38, Doc. 12; Escritura de la posesión tomada por Bernardo de Quirós, MS, A. G. I., *Estado,* Leg. 38, Doc. 12. For location of the acts see Henry Raup Wagner, "Creation of Rights Sovereignty through Symbolic Acts," *Pacific Historical Review,* VII (December, 1938), 312-313.

9. Seis escrituras de posesión tomada por Esteban José Martínez, MSS, Archivo Histórico Nacional (hereinafter indicated as A. H. N.), Madrid, *Estado,* Leg. 4289.

10. For translation of Martínez' act of 1789 see F. H. Howay, "The Spanish Settlement at Nootka," *The Washington Historical Quarterly,* VIII (July, 1917), 164-167.

11. Escrituras de posesión tomada por Salvador Fidalgo, MSS, A. G. N., *Historia,* Vol. 68; Escrituras de posesión tomada por Manuel Quimper, MSS, A. G. N., *Historia,* Vol. 68.

12. For the official Spanish views on the validity of symbolic acts for obtaining sovereignty over *terra nullius* see "La Junta de ocho Ministros . . .," MS, A. H. N., *Estado,* Leg. 2848; "Apuntamientos sobre los actos de posesion en el Mar del Sur . . .," MS, A. H. N., *Estado,* Leg. 4291; Manuel Antonio Florez to Antonio Valdés, Mexico, December 23, 1788, A. H. N., *Estado,* Leg. 4289.

13. The editor is gratefully indebted to Miss Haydée Noya, of the Huntington Library, and Dr. Donald C. Cutter, of the University of Southern California, for reviewing the first draft of the translation. Their suggestions have, indeed, been most helpful.

14. The *Santiago* was the largest of the San Blas vessels. Built in San Blas in 1773, it was of 225 tons burden. See Donald C. Cutter, *Malaspina in California* (San Francisco, 1960), p. 80.

15. Although the instructions are written in the first and third person (e. g., "I strictly warn the captain . . ."), Bucareli at this point, and only on this occasion, addressed Pérez by using the abbreviation *Vm.* (Vuestra Merced). For the sake

of clarity and consistency this expression has been rendered as *he* instead of *you* or *Your Honor.*

16. Some California historians prefer to use the Spanish word *garbanzo* for chick-peas. *Garbanzo,* however, is generally an unknown word to people living north of the Spanish Borderlands.

17. *Bailío* is a member of certain military orders who holds a dignity or commandery in the order.

18. *Frey* is the form used in addressing knight commanders or particularly distinguished knights of certain military orders.

19. The instructions for filling the blanks in the formulary are found on the left margin of the original manuscript.

20. The sentences are underlined in the original manuscript, not italicized.

21. The words are not italicized in the original manuscript but are underscored with dots.

New Books

Sierra Railway. By Dorothy Newell Deane. (Berkeley, Howell-North, 1960. 181 pp. $6.00.) Reviewed by Oscar Osburn Winther.

The West became surfeited with railroad lines, both long and short, during the last half of the nineteenth century. Each has its distinctive history, but none is more fascinating than that of the Sierra Railway. Independent of, and yet appended to, both the Southern Pacific and the Atchison, Topeka and Santa Fe systems at Oakdale, California, the Sierra probed and threaded its way upward from Oakdale (155 feet elevation) via Copperstown and Sonora to Tuolumne (2690 feet elevation). Subsequently, a branch line was extended from Jamestown to Angels Camp; and, important to its economic welfare, the Sierra became a sort of miniature trunk line with which several independent short lines, among them the Hetch Hetchy Railroad, became attached. The moving spirit in this imaginative and relatively lucrative venture was Thomas S. Bullock who was known both at home and abroad for his railroad promotions; and vital to its financial success was the backing this project received from the Crocker banking interests of San Francisco. Construction of the Sierra line was begun during the economically depressed year of 1896, and it has enjoyed a continuous, and on the whole a profitable, existence to the present time. Its *raison d'être* was, of course, providing an outlet for the mineral, timber, livestock, and other resources of the regions through which it passed, and, important to this isolated California back country, a regularly scheduled passenger service and an avenue of communication with the nation as a whole.

The author admits of a personal attachment to the Sierra Railroad. Her father was one of the company's construction engineers, and for this and perhaps other reasons she has developed a deep and abiding affection for and acquaintanceship with the subject of her book and locale concerned. It might in fact be said that *Sierra Railway* is a social history of Tuolumne County. The book portrays the raw pioneer life of Angels and other mining camps; it describes the deep resentment with which the Sierra Railroad was received by its unequal rivals, the stagecoach and wagon freighting enterprises; and it catches much of the contemporary flavor associated with rail celebrations and excursions that were so much a feature of railroad development during the past century.

The book is written in popular, readable style without pretense of being in the least bit scholarly. It contains a considerable amount of factual information not very systematically organized. Most railroad terminology has been made understandable, but an exception is the nonchalance with which the author refers to locomotives as "an old recordless 4-4-0," an "0-6-0," or "Baldwin 2-6-6-2." And not only is the reader spared the burden of confronting footnotes or deprived of the privileges of footnote illumination (depending on one's point of view), but he is likewise left without either a bibliography or as much as a summary statement on sources consulted in the preparation of this volume. The book is profusely and interestingly illustrated (in this case a very worthwhile contribution) and there is an index. *Sierra Railway* will provide enjoyable reading, especially for California local historians and all shortline railroad enthusiasts.

Oscar Osburn Winther, author of *Express and Stagecoach Days in California*, *The Old Oregon Country*, and *The Story of San Jose*, is professor of history at the University of Indiana.

American Images of Spanish California. By James D. Hart. (Berkeley, The Friends of Bancroft Library, 1960. 39 pp.) Reviewed by James M. Jensen.

In this very small book the author has attempted a monumental task. His declared intention was to indicate the way in which the American concept of Hispanic California was established and how this concept was more recently altered. Dr. Hart attempts this through interpreting various publications, covering a period from 1510 to 1935, from which he shows the changing concept the American has held concerning California of the Spanish-Mexican period.

The work was originally written as an essay and was delivered as a speech under the auspices of the Department of English of the University of California, Berkeley. The work was intended for students of literature and the book has merit as a literary work but offers little to the student of history.

Dr. Hart quotes from many sources but uses no footnotes to assist the historian in the use of the material. The description of the viewpoints of the early American contacts with Spanish California are well known as they appear in most standard works on California. The evaluation of the writing style of the various authors quoted did not seem necessary to achieve his desired goal. Dr. Hart has included eight pages of prints which have only slight connection with the theme of the book. Certainly the inclusion of the pictures of the various authors cited seems out of place.

Dr. Hart includes a bibliography which the student of history will find useful in a compilation of the texts that have helped to shape the American concept of Hispanic-California. In brief, although Dr. Hart adds nothing to the specialist's fund of knowledge, his book may nevertheless be of interest and value to the nonspecialist.

James M. Jensen, a graduate of Pomona College and Claremont Graduate School, is chairman of the social science department at Citrus College.

Ordeal by Hunger: The Story of the Donner Party. By George R. Stewart. New Edition. (Boston, Houghton Mifflin Company, 1960. 394 pp. $6.00.) Reviewed by Leo P. Kibby.

Ordeal by Hunger, a revision of the book by the same title which appeared in 1936, is the story of the trials, tribulations, hardships, and tragedies experienced by the Donner Party in its journey to California over a century ago. It is an account of human suffering resulting from a tempestuous struggle with nature—an encounter wherein the adversary's attack was that of a most brutal offensive. Despite the odds against them, where effort was challenged at every turn by adversity, these unfortunate pioneers never permitted the spirit of hope and determination to be completley extinguished.

It was on July 19, 1846, that the party, consisting of eighty-seven men, women, and children, mustered at Little Sandy Creek, Wyoming, from where they proceeded on their ill-fated trip westward. From the beginning, hardships were many and discouraging; yet the party surged forward. Even during the summer months the days were hard and monotonous, and the distance covered each day was but a few miles. Moreover, the trails were rough—often not clearly defined—and the country strange. Rugged mountain areas, high altitude, narrow ravines, terrific wear and strain and damage to the wagons—all contributed to the wearisome venture. Even so, the intensity of the hardships seemed to increase in some direct proportion to the number of miles covered westward. On one occasion the party had traveled but thirty-six miles in twenty-one days. On September 2 the big desert of the Salt Lake yawned treacherously before them. With a forced march it might be possible to cover the thirty-five or forty miles, the reported distance across the desert, in two days. But fate would not have it so! Like a mirage the desert continued to recede before the weary pioneers. Water gave out, and oxen and cattle fell by the wayside; some of the wagons disintegrated and had to be abandoned. During the day the sun shone relentlessly, and at night the desert cold settled down on the party. Not until September 9 had the desert been conquered, a victory, if indeed it was a victory, "measured in terms of dead, lost, and worn-out cattle, of equipment jettisoned to lighten wagons, of wagons themselves ruined by the dryness of the desert air."

For the next several weeks the party pushed westward in "the long pull" and arrived at Truckee Lake, now Donner, around the twenty-fifth of October. At about the same time came the first heavy snow fall on the mountains. Attempts to cross the mountain pass failed, and the party was forced to return to the lake and establish camp.

Nature's vicious trap had now been sprung! The party was isolated; winter snows continued with great severity. "Ordeal by Hunger," the silent, lurking savage that it was, now sprang forth in all its fury and grotesqueness! Suddenly the established camp was to become many things: home, hospital, morgue, and tomb. What happened here in the course of the remaining days of the year 1846 and the early months of 1847 is the essence of the real tragedy and suffering of the Donner Party.

It is most refreshing to be able to examine an historical event of such momentous proportions with the assurance that it is neither exaggerated nor colored by the author's bias and prejudice. To the reviewer this end has definitely been attained by Mr. Stewart's careful and scholarly documentation. Thus commendation is most appropriate for Mr. Stewart's efforts. Making use of the diaries of survivors, he has been able in a most erudite and objective way to piece together the details of the frantic struggle of the Donner Party for survival. Moreover, Mr. Stewart has succeeded in depicting the agonies of distressed humanity in all its solitude. Skillfully and dramatically he has identified each personality in the unfolding drama, thus enabling the reader to become captivated by the things he sees, feels, experiences, and shares along with the unfortunate members of the ill-fated party. Time and again the conditions described appear beyond human endurance, understanding, and tolerance. But should there be criticism of Mr. Stewart's efforts to be frank as he narrates the specific cannibalistic experiences of the Donner Party, it should be remembered that no real purpose would be served by softening the effect of realism. To do otherwise would be to distort, color, mislead, and misrepresent.

In the revised edition where new evidence has been included, consisting of diaries and letters written by members of the party and entitled "Supplement—1960," the story of the Donner Party has been more completely substantiated. Unfortunately, the supplement, which extends from pages 299 to 362, was not incorporated in the index of the revised edition, and it is the reviewer's feeling that it should have been included in some fashion.

Readers will be pleased with the better quality of paper used in the new edition. Also, the grouping of the photographs in a central part of the book, rather than placing them at indiscriminate intervals as was the case in the original edition, is a more attractive arrangement. It should be noted that the printer erred in the Table of Contents in his omission of the appropriate title, "Keseberg vs. Coffymere," with Chapter XXXIV. Instead, the title for Chapter XXXV, "Taboo," was indicated.

Ordeal by Hunger is a real "must" reading for all who respect and cherish the worth and importance of the pioneering spirit in advancing American Civilization.

Leo P. Kibby, professor of history and author of several articles on the Civil War in California, is chairman of the area of social science at San Jose State College.

The Search for Authority in California. By Woodrow James Hansen. (Oakland, Biobooks, 1960. 192 pp. $17.50.) Reviewed by Jack D. Forbes.

Woodrow James Hansen, an instructor in the social sciences at Napa College, has made a real contribution towards a better understanding of California's socio-political past. His book, *The Search for Authority in California*, grew out of his doctoral dissertation, written as a part of the doctoral program at Brown University.

According to Dr. Hansen, the "search for authority in California up to 1849 was the attempt of Californians to establish a functional relationship between political, social and economic aspects of their lives." This search began with the fall of the old authoritarian Spanish regime in 1822 and ended with the California State Constitution of 1849, at least for the purposes of this study. The people of California who were subject to Spanish rule, that is, in the coastal strip from San Francisco Bay to San Diego, had very little opportunity for learning the essentials of self-government since the military and the clergy made all important decisions. Furthermore ,the civilian population was not able to develop an economic system based on private ownership and competition. The economy of the province was almost entirely controlled by the missionaries or by the military. Private individuals were severely restricted in their freedom to produce goods and then market them. Trade was concentrated in the hands of the governor, except for some illicit smuggling.

Then in 1822 California became a part of newly-independent Mexico and the Californians began to experiment with republicanism. A real republican society could not be brought into being, however, until the population at large became experienced in self-government and came to own land and participate in commerce. The Californians hoped that by breaking up the missions, a large class of landowners, including the emancipated Indians, would develop and form the stable base for a republican society. This did not occur, however, for a few families soon came to control the land and the Indians were reduced to a class of semi-slaves or serfs. Thus a more or less feudal society was developed in Mexican California, and this society became very caste-conscious with a definite class structure. The ranchos became little feudal domains, each largely self-sufficient, and commerce was limited. Furthermore, what commerce did exist was for the most part in the hands of foreigners who allied themselves with the large landholding class. Given this socio-economic system, Dr. Hansen holds that it is understandable why Mexican California could never develop a republican government. The "authority" for such a republican system was lacking, and in its place was a formal structure of republicanism resting upon an authoritarian economic base.

The Anglo-Americans who entered California in the 1840's were unable to adjust to the Mexican system or to the semi-Mexican system utilized by the United States military governors during 1847 and 1848. The result was the Convention of 1849 which drew up a constitution fairly consistent with the socio-economic outlook of the newcomers. The search for authority had come to an end, at least for the time being.

Dr. Hansen's book is a scholarly work, being quite well-documented, however, it suffers from a poor job of publishing. Numerous typographical errors are to be found throughout the book, beginning on the first page and ending with the last. Likewise, the drawings used to illustrate the work are unrelated to the subject matter and are used, it would seem, to merely fill a blank page. The most serious liability of the book is, however, the introduction, written by the publisher, Joseph A. Sullivan. The author cannot be blamed for his publisher's mistakes but the latter do, after all, form a part of the book as a whole. The introduction contains material wholly irrelevent to the subject of the book, and I must confess that at times I could hardly understand the purpose of the publisher, although in the end it is clear that he is meandering his way towards a dedication to Sir Francis Drake. I would like to quote a short section of the introduction to illustrate what I mean:

> Not, however, without a good deal of History taking place, our author has very well recorded the climax, its actions, its necessity and to some degree, its basic significance, even after the task was well done, an incident occurred in Washington that dramatized and hastened the result.

In spite of the publisher, however, *The Search for Authority in California* is an informative book and deserves reading by all who desire an understanding of the socio-political history of California from 1822 to 1849.

JACK D. FORBES, whose *Apache, Navaho, and Spaniard* was recently published by the University of Oklahoma Press, is an assistant professor of Western History at San Fernando Valley State College.

Mercer's Belles—The Journal of a Reporter. By Roger Conant. Edited by Lenna A. Deutsch (Seattle, University of Washington Press, 1960. $5.00.) Reviewed by Pearl N. Segerstrom.

The story of the "Mercer Girls" is well known throughout the Pacific Northwest, but we have never had a clear concise account of it. This first publication of the diary of Roger Conant adds much to our knowledge of an important bit in the history of Washington Territory.

In 1864 Mr. Asa Mercer had brought back with him from New York eleven young ladies who had become teachers in the Territory or had married there. Convinced that there was a great need for young women in the new country, Mr. Mercer decided to go East again and to bring a party of young women to Seattle. He knew the lack of teachers and felt sure there were positions in other fields for any who wanted work. He contracted with a number of young men agreeing to bring back suitable wives for them. He hoped to gather together a group of seven hundred young women, but owing to adverse publicity, a delay in departure, and lack of financial resources Mr. Mercer's party was much smaller than anticipated.

In January, 1866, the steamship *Continental* left New York carrying Mr. Mercer and his party of one hundred people, consisting of several married couples, a few single men, a number of widows—some with children—and forty-six unmarried women. Roger Conant, a reporter for the *New York Times*, accompanied the party on their three months' journey; he kept a diary all through the trip. His descriptions of the people and the scenery of the various ports the steamship visited are particularly interesting.

Mrs. Deutsch's many notes and comparison of printed reports add much to the book as does her preface. She has also added an important appendix giving all available information on the later lives of the "Mercer Girls."

Pearl N. Segerstrom is a student and collector of diaries and accounts dealing with pioneer women who crossed the plains.

Andrew Sublette, Rocky Mountain Prince. By Doyce Blackman Nunis, Jr. (Los Angeles, Dawson's Book Shop, 1960. 123 pp. $10.00.) Reviewed by Martin B. Ridge.

Andrew Sublette grew to manhood as a member of a family whose very life was intimately associated with the Far West Frontier. His older brothers were among the first Americans to enter the Rocky Mountain fur trade and by the time Andrew was old enough to earn a living, the name Sublette was synonymous with fur. As a younger brother of "Bill" Sublette, Andrew learned the trails westward, traded at the rendezvous sites, enjoyed the haunts of the fur men, and came to know and share their way of life. But, unfortunately for Andrew Sublette, he was initiated into a dying field of economic enterprise.

Sublette, whose only asset was his knowledge of the West, became a seeker after fortune. He served as a trail guide, an officer in the Mexican War, and a hunter. Invariably, he was drawn to California where he hoped to repair his health and to achieve the economic success that the passing of the fur trade had denied him. Ill fortune, however, dogged his trail. His investment capital and his hard labor were wasted with the failure of the Desert Mining Company. Because of close friends in the government, he was able to secure a contract to supply meat for the Tejon Indian Reservation. Almost fittingly, he died as a hunter, the tragic victim of a California grizzly.

In reconstructing this narrative of Sublette's personal life, Professor Nunis has not only exhaustively researched the traditional literature of the field, but relied upon new materials now stored at the Huntington Library. Carefully checking and comparing the familiar western narratives, he has succeeded in identifying the various members of the Sublette family whose names appear so frequently in the evanescent accounts of western travelers. Because of the nature of his sources, Professor Nunis has not attempted to distil the history of the fur trade except in the sense of dramatizing the family and business rivalries of the Sublettes and the personal vicissitudes which Andrew faced in the waning days of the trade.

The unique contribution of this book is that it presents a clear insight into the melancholy life that plagued the Mountain Men as they tried to adjust themselves to a world in which fur was not valuable and skills involved in obtaining it were almost useless. Lucidly written in a manner that emphasizes the nostalgia that surrounded the era of the Rocky Mountain Princes, this book is not merely another footnote to the fur trade, it is an interesting vignette of a lost generation of adventurous young American frontiersmen.

Martin B. Ridge is assistant professor of history at San Diego State College. Dr. Ridge is also a member of the Landmarks Advisory Committee.

California in the Kitchen. An Essay Upon, and a Check List of, California Imprints in the Field of Gastronomy from 1870(?)-1932. By Liselotte F. and William K. Glozer. (Privately printed, 1960. $4.75.) Reviewed by J. Harold Wayland.

The Glozers are to be congratulated for producing the first bibliography of American regional cookery. It should be no surprise that over half the entries come from women's organizations, such as Ladies Aid Societies. The paucity of entries in Oriental and Spanish-American cookery is much more surprising. They were able to uncover only four Oriental items, two in English and one each in Japanese and Chinese. Nine Spanish-American entries appear, only two of which are in Spanish, and one of these also includes an English text. It is to be hoped that this check list will encourage the gastronomic bibliophiles of California to search the dark corners of their libraries to extend the list so well begun by the Glozers.

It would have been much more useful to the research worker, as well as the collector, if the entries in the list had clearly distinguished the material in the listing which actually appears on the book and that which is the result of research by the bibliographers. For example, item 326 is entered under the caption "United Brotherhood of Carpenters and Joiners of America," but one would search in vain in the book for any indication that this group was involved. It must have taken considerable research to establish that this was, indeed, the parent organization of the "Ladies Auxiliary, Carpenters Union of Los Angeles," which claims credit for the book. This research would have been more valuable had it been clearly indicated as such, rather than used as the heading for the entry, particularly since the cross referencing is rather sketchy.

It is hoped that there are not many typographical errors as misleading as item 164 (or is this another example of misplaced erudition?) which is attributed to the "First Methodist Episcopal Church Women's Aid Society" while the Huntington Library copy of the book claims to be produced by the Ladies Aid Society of the Fort Street M. E. Church. The authors might also check their dictionary for the difference between an acrostic and an anagram (see item 339).

In spite of the quibbles, I intend to guard my copy of *California in the Kitchen* with great care, and I hope the Glozers and others will continue this type of work with additional bibliographies of gastronomy for other regions of the U. S.

J. Harold Wayland, professor of applied mechanics at California Institute of Technology, is a member of the Wine and Food Society of London. Besides being a collector of books on wine and food, Dr. Wayland has been a wine judge at Los Angeles County Fair.

The Historical Society of Southern California Topical Index of All Published Works—1884-1957. Compiled by Anna Marie Hager and Everett Gordon Hager. (Los Angeles, The Historical Society of Southern California, 1960. 305 pp. $15.00.) Reviewed by W. W. Robinson.

The world—that is, the historical world—is obviously the oyster of the Hagers.

To open this world, the husband-and-wife team of Anna Marie and Everett Gordon use a tool fashioned of enthusiasm, hard work, and a bookish outlook on life. Their rewards will come largely, as they well know, in the next world.

In 1958 the Hagers prepared a bibliography of the publications of the Historical Society of Southern California, a formidable undertaking and a useful compilation. This paved the way for the more important *Topical Index.*

Since its founding in 1883, the annual and quarterly publications issued by the Society now form a library of fascinating local and regional history. To the California historian or research student this library is a treasure house of material relating to Los Angeles, Los Angeles County, Southern California, and the whole state. For the most part, and until the Hagers came along, the contents of this treasure house "have been as inaccessible as the jewels in Aladdin's cave"—to quote from Gustave O. Arlt, president of the Society.

True, an excellent index was made in 1921—forty years ago—by Robert Cameron Gillingham. This was good as far as it went. Since then, however, the historians, the pioneers, and the researchers have been endlessly writing—or making—more history. So, the Hagers started at the beginning. They picked up the Gillingham listings, amplified them, and continued the job up to the year 1958.

This Hager index, the *Topical Index,* has been prepared with painstaking skill and is, therefore, immensely useful. The sturdy volume is a three-in-one index. In addition to itemizing topics in alphabetical order, it has a separate author index (constantly referred to in the topical section) and still another index of photographs, charts, maps, and illustrations used to embellish the Society's publications.

Any use of the *Topical Index* proves its worth. Throughout the years it will continue to demonstrate its usefulness to every student and every writer interested in the exciting topic of California, especially Southern California. Librarians will keep it on those handy shelves to which quick reference can be made when answering telephone questions.

Since the appearance of this volume—in 1960—the Hagers have not been idle. They have focused attention on the wealth of material hidden in the files of *Westways* and *Touring Topics* and have turned out another index scheduled for publication this year. It and the *Topical Index* here reviewed will open up California as a bright new world to a succession of students of history.

W. W. Robinson, a Fellow of the California Historical Society, is author of *Los Angeles from the Days of the Pueblo, Lawyers of Los Angeles,* and *Land in California.*

The California Outlaw: Tiburcio Vasquez. Compiled by Robert Greenwood. Including the Rare Contemporary Account by George Beers. (Los Gatos, California, The Talisman Press, 1960. 296 pp. $5.95.) Reviewed by J. E. Reynolds.

The importance of this volume is that, despite a misleading title page, it reprints *Vasquez; or, The Hunted Bandits of the San Joaquin,* by George A. Beers, first published in 1875. Heretofore this book could be found only in the rare book rooms of a few institutional and private libraries. The biography by Beers of the native Californian *bandido* is the longest of the three contemporary accounts of Jose Tiburcio Vasquez. Eugene T. Sawyer, who, like Beers, was a reporter for the *San Francisco Chronicle,* wrote *The Life and Career of Tiburcio Vasquez,* published in 1875; Major Ben C. Truman, editor of the *Los Angeles Star,* wrote *The Life, Adventures and Capture of Tiburcio Vasquez,* published in 1874. Both Sawyer's and Truman's biographies, much shorter than the Beers book, were reprinted in limited editions in 1944 and 1941 respectively. All three biographies, if read with a critical eye, contain valuable information on the career of the bandit who terrorized

California for several years before his final capture in Los Angeles County in 1874.

This new edition of Beers' work contains a forty-nine page introduction by Robert Greenwood, entitled *The California Outlaw: Tiburcio Vasquez.* Mr. Greenwood's introduction begins by comparing the career of Joaquin Murieta with that of Vasquez. He correctly concludes that, whereas Murieta never emerged beyond the threshold of legend, the activities of Vasquez are to a great degree a matter of record. The life of Vasquez, born in Monterey in 1835, offers a prime example of individual criminal activity resulting from the economic and racial tensions that were the aftermath of the American occupation of California. Greenwood gives a chronological account of the exploits of Vasquez, derived in the main from Beers. The robberies, raids and murders attributed to the colorful *bandido* are covered, and some are substantiated by contemporary newspaper accounts. No new facts about Vasquez' family background and youth are given; Greenwood parallels the information brought out by Joseph Henry Jackson in his *Bad Company* (Harcourt, Brace and Company, 1949). To date all modern writers on the life of Vasquez repeat previous errors. Some of these are minor, but all are annoying when there is absolutely no evidence as to the validity of statement or date.

Mr. Greenwood does reveal a number of contradictions and unfounded stories contained in Beers' work, but he takes the edge off the book by giving the reader too detailed a summary of what he is going to read. An introduction should say something about the life of the author of the work being introduced; we are told that Beers was a reporter for the *San Francisco Chronicle* and nothing more; the reader's curiosity about the kind of man who wrote this biography is left unsatisfied.

According to the publisher's dust-jacket copy and in the opinion of Robert Greenwood, the Beers biography is the most authoritative and detailed work on the famous outlaw. Beers, in his capacity as a reporter and as a participating member of the posse which captured Vasquez, did write the best account of the actual capture. Of the book's two hundred and twenty-four pages, however, only forty-eight pages report events actually witnessed by Beers. Of these forty-eight pages a considerable portion is concerned with the trial and hanging of Vasquez in San Jose, events of public record. The remaining one hundred and seventy-six pages are in the main a potpourri in which the author has cleverly laced fiction with a half tankard of fact.

Mr. Greenwood admits that "For information on Vasquez prior to the time of his capture, Beers had to rely on the usual sources, just like anyone else." Beers himself offers an apology for any embroidering of the facts he might include in his book. In Chapter II he states: "It must be borne in mind by the reader that in collecting the facts in regard to this and other murderous transactions which occurred so long ago, and which have never been subjected to legal investigation, it is a difficult matter to get at the exact truth, there being so many different versions of these affairs handed down from the date of their occurrence, and subject to the prejudices or whims of those who tell the stories."

In judging the comparative reliability of Sawyer and Beers as biographers of Tiburcio Vasquez, the recording of those events preceding his capture, a period of roughly twenty years, must be taken into account. In this reviewer's opinion such a comparison shows Beers coming in second. With the exception of the spurious account of the abduction of one Anita, Sawyer refrains from padding his biography with fiction. Even here Sawyer accords the Anita story only one paragraph, whereas Beers devotes over fifty pages to it. The biography by Beers was published by a well-known publisher of dime novels, Robert M. DeWitt of New York. DeWitt's editorial policy was the same as that of the famous house of Beadle and Adams—never let facts get in the way of thrills. Beers' popular style exhibits complete adherence to this editorial policy. He pads wherever possible, resorting to hyperbole and flamboyancy to achieve emotional crescendoes. To compare the trim style of Sawyer to that of Beers is like comparing Hemingway with Zane Grey.

There is ample evidence that Beers used quotation marks with abandon. This becomes insufferable when he introduces long, contrived passages of dialogue, a prop still being used by many of today's biographers. Despite the apology in Chapter II regarding the reliability of sources of information about Vasquez, one's credulity is further strained when Beers describes, more than once, Vasquez in the act of committing apocryphal murder. In one of these fabricated homicides he records Vasquez' killing of a "poor Indian boy": "The spirit of murder had full possession of him, however, and he thrust the remorseless blade again and again into the vitals of his victim, long after the soul had fled."

The physical appearance of this reprint is pleasing. The book is colorfully bound in boards with cloth back. There are a number of illustrations from old photographs, with endpaper maps of the area of California in which the exploits of Vasquez were enacted. It is hoped that this reprint will not become a bibliographical problem child. Of prime interest is Beers' biography, which comprises over two hundred and thirty pages of a total of two hundred and ninety-six pages, yet the title page reads: *The California Outlaw: Tiburcio Vasquez. Compiled by Robert Greenwood. Including the Rare Contemporary Account by George Beers.* The reader has to turn to page sixty-three before he finds a facsimile title page of the Beers book. A warning to librarians: Think twice before entering this book under *Greenwood,* instead of *Beers!*

J. E. Reynolds, an antiquarian bookseller, has made a special study of Tiburcio Vásquez.

Journal of José Longinos Martínez; Notes and Observations of the Naturalist of the Botanical Expedition in Old and New California and the South Coast, 1791-1792. Translated and edited by Lesley Byrd Simpson. (San Francisco, John Howell—Books, 1961. xviii + 114 pp. $12.50.) Reviewed by John Haskell Kemble.

In 1786 Charles III of Spain authorized a botanical expedition to study the natural resources of Mexico. The naturalist attached to the party was José Longinos Martínez. Separating from the main group, he made a reconnaissance of the region around San Blas and of both Lower and Upper California. He left Mexico City in January 1791, was in the Californias from January until September 1792, and returned to Mexico City toward the end of 1793. Longinos travelled the length of Lower California by land, penetrated at least as far north as Monterey, and then apparently returned to San Blas by sea.

This translation of Longinos's notes and observations is the second to be made by Professor Lesley Byrd Simpson of the University of California, Berkeley. The original manuscript is in the Huntington Library, and in 1938 that institution published an edition by Professor Simpson entitled: *California in 1792. The Expedition of José Longinos Martínez.*

Working from a manuscript which was disorganized in nature and full of patent errors in spelling and chronology, Professor Simpson kept his first translation as literal and close to the original as possible. In the intervening years he has done further research on the expedition in the Mexican archives, and in the present translation he has allowed himself greater latitude in the reorganization of Longinos's text, in correcting and harmonizing spellings, and generally in tidying up what in its original form was a very disorderly and puzzling document. The second edition, which was prepared and published under the auspices of the Santa Barbara Historical Society, contains a much fuller introduction than the first, its footnotes have been moved from the end of the volume to the place they belong, at the foot of the appropriate pages, and the appendices have been enlarged. Professor Simpson is a master of Spanish as well as of the history of Mexico in the colonial period, and he has produced a very readable translation enhanced by enlightening and delightful prefatory materials.

As rearranged, the first portion of the text carries Longinos from Mexico City to San Blas with a day-by-day outline of the journey together with notes on natural resources and people. The section on Lower California from Cape San Lucas to Mission San Miguel is not a chronological journal, but rather a description of the peninsula, its geography, plants, animals, and people. There are occasional brief narratives of specific areas and journeys, particularly one into the interior of the northern part of the peninsula from Mission Santo Domingo. Longinos spent only about two months in Upper California, and here also his notes are generally descriptive rather than chronological. His observations of natural phenomena and of the character and institutions of the Indians are of particular importance. There is virtually no reference to the Spanish penetration of the region or of the mission system.

Following the narrative, Longinos's itineraries for the journeys are printed, together with his list of the "Mines and Natural Products of the Two Californias," and a descriptive list of the trees of the San Blas region. There is a table by H. S. Reed of the University of California which identifies these trees insofar as possible. In the appendices, Professor Simpson discusses Longinos's system of measurements, and makes an intelligent effort to give a reasonable interpretation to the puzzling time table of the expedition. The volume contains three useful reference maps. It has been handsomely designed and printed by Lawton Kennedy.

JOHN HASKELL KEMBLE is professor of history at Pomona College. He is also the author of *Panama Route, 1848-1869* and of *San Francisco Bay: A Pictorial Maritime History.*

Santa Barbara's Royal Rancho. By Walker A. Tompkins. (Berkeley, Howell-North, 1960. 222 pp. $6.00.) Reviewed by Don Meadows.

Walker A. Tompkins, newspaper columnist, novelist, TV-motion-picture-radio script writer, war correspondent, and amateur radio station operator, has written a bouncing book called *Santa Barbara's Royal Rancho.* The story, for story it is, deals with the life of an Irishman, Nicols Den, and the rancho Los Dos Pueblos.

Financial reverses in the Den family caused young Nicolas to quit his medical studies at Dublin's Trinity College in 1834 and seek his fortune in the New World. Life with a cousin in Newfoundland proved disagreeable, and young Den set out for California, where he arrived in 1836. The country and the life of the *paisano* won his heart; in a brief period he became a naturalized Mexican citizen and applied for a land grant. When his chosen acreage, already named Los Dos Pueblos, became his property, he married Rosa Hill, daughter of Daniel Hill and Rafaela Ortega, and during the next twenty years was the well-to-do and highly respected Don of the rancho. Familiar names in California history became associated at various times with Den and his property, names like Colonel Frémont, Jack Powers, Judge McGowan, Tom Bell, etc.

Tompkins writes the epitaph of his book in the introduction. "This book is intended," he says, "to be a regional history. It is as accurate and objective as the author's ability permits. His presentation, however, is that of the novelist. Such a style would be unacceptable in a doctoral dissertation. It may be frowned upon by the purist and criticized by the scholarly Reviewer."

Mr. Tompkin's candor is to be admired. . . .

The style of the book does not make for easy reading. Paragraphs are short and synoptical. Apparently the book was compiled from notes hastily written and afterward pasted in chronological order. Sometimes the notes were not accurately transcribed. It would be picayunish to point out the factual errors if they were not so numerous and apparent. Even the title of the book is in error; Los Dos Pueblos was not a Royal rancho but a grant from the Mexican Governor Juan B. Alvarado. Inside the front cover of the book is a map of the Den property showing where Frémont led his troops over the San Marcos pass during the Mexican War. The date is given as 1949; it was 1846.

There are some fine pictures in two sections of the text and the general format of the book is acceptable.

Don Meadows, Curator of the Orange County Historical Society, is the author of *Baja California, 1533-1950: A Biblio-History* and of *The American Occupation of La Paz.*

Portals West. By E. Geoffrey Bangs. (San Francisco, California Historical Society, 1960. 86 pp., 36 plates. $10.95.) Reviewed by Joseph Armstrong Baird, Jr.

Mr. Bangs' study of California architecture in the later nineteenth century is a welcome addition to the still limited amount of material available on this subject. Admittedly a "folio," it is a random arrangement of dramatically printed black and white photographs by the author—some of superior artistic quality, others more essentially study views of modern streets with interesting nineteenth century structures. Following the preface by Robert Gordon Sproul, Mr. Bangs has provided a short introduction which suggests both the problems of preserving these fascinating palimpsests of history, architectural fashions and climate as well as indicating what types of building have best survived the vicissitudes of time. Mr. Bangs is not primarily interested in the various buildings as part of that curious parade of styles in the period after the gold rush, but rather as isolated instances of authentic local flavor and structural ingenuity. He has provided graceful descriptions of the plates, which if somewhat picturesque in expression are full of information and a genuine enthusiasm for the material. These comments will certainly spur the reader to seek out these and other parts of an architectural heritage that is richer than heretofore imagined.

Joseph Armstrong Baird, Jr., is the author of numerous articles on the history of architecture. Dr. Baird is associate professor of art at the University of California, Davis.

RECENT CALIFORNIANA

A Check-List of Publications Relating to California

Compiled by Michael E. Thurman

BOOKS

A Bookman's View of Los Angeles. Los Angeles, Zamorano Club, 1961. $10.00

Brackett, R. W., ed. *The History of San Diego County Ranchos.* 5th ed., San Diego, Union Title Insurance and Trust Co., 1960.

Brown, Vinson, and Henry G. Weston, Jr. *Handbook of California Birds.* Edited by Stella Ford Walker. Color Plates by Dr. Ernest S. Book. Healdsburg, California, Naturegraph Company, 1961. $3.50

California Public Outdoor Recreation Plan, Part I-II. Sacramento, Doc. Section, State of California, 1961. $2.00

Campbell, Elizabeth W. Crozer. *The Desert Was Home.* Los Angeles, The Westernlore Press, 1961. $6.75

Cooper, Charles W. *The A. Wardman Story.* Whittier, Whittier College, 1961. $2.50

DeLisle, Harold F. *Common Plants of the Southern California Mountains.* Edited by Vinson Brown. Healdsburg, California, Naturegraph Company, 1961. $1.00

Ford, John Anson. *Thirty Explosive Years in Los Angeles County.* San Marino: Huntington Library Publications, 1961. $6.00

Griffith, A. Kinney. *The Big Scalphunter: A Saga of the Great Southwest.* New York, The William-Frederick Press, 1961. $4.95

Harrington, Robert E. *Early Days In Simi Valley.* Simi, California, Robert E. Harrington, 1961. $6.00

Hunt, Aurora. *Kirby Benedict, Frontier Federal Judge.* Glendale, The Arthur H. Clark Company, 1961. $9.00

James, Harry C. *The Cahuilla Indians.* Los Angeles, The Westernlore Press, 1960. $7.50

Kino ... A Commemorative. A short assessment by Patricia P. Paylor; Kino Sketches by Ted De Grazia; Bibliography by Donald M. Powell. Tucson, Arizona Pioneers' Historical Society, 1961. $1.00

Kino's Plan for the Development of Pimeria Alta, Arizona and Upper California. Translated and edited by Ernest J. Burrus, S.J. Tucson, Arizona Pioneers' Historical Society, 1961. $6.00

Loveland, Cyrus C. *California Trail Herd.* Edited and annotated by Richard H. Dillon. Los Gatos. The Talisman Press, 1961. $6.00

McPherson, W. *Homes In Los Angeles City and County and Description Thereof, With Sketches of the Four Adjacent Counties; Being An Answer to Inquiries Concerning Their Progress, Attractions and Resources.* Los

Angeles, Mirror Book and Job Printing, 1873. [Reprinted by Southern California Chapter, Antiquarian Booksellers Association of America.] $7.50

MIDDLEBROOK, R. P. *The High Iron to La Jolla.* San Diego, San Diego Historical Society, 1961. $0.75

MILLS, JAMES. *Historical Landmarks of San Diego County.* San Diego, San Diego Historical Society, 1960. $0.75

MILLS, JAMES. . . . *Where California Began.* San Diego, San Diego Historical Society, 1960. $1.00

MUNZ, PHILIP A. *California Spring Wildflowers.* From the Base of the Sierra Nevada and Southern Mountains to the Sea. Berkeley, University of California Press, 1961. $2.95

MURPHY, ROBERT. *The Haunted Journey* [of Vitus Bering in Alaskan Waters]. New York, Doubleday, 1961. $3.95

PARKER, HORACE, ed. *J. Ross Browne's Illustrated Mining Adventures, California and Nevada, 1863-1865.* Balboa Island, California, Paisano Press, 1961. $5.50

ROBINSON, JOHN, and ALFRED CALAIS. *State Parks of California.* Menlo Park, California, Lane Book Company, 1961. $1.95

ROBINSON, W. W. *Beasts of the Tar Pits. Tales of Ancient America.* Los Angeles, The Ward Ritchie Press, 1961. $2.50

ROLLE, ANDREW F., ed. *The Road to Virginia City: The Diary of James Knox Polk Miller.* Norman, University of Oklahoma Press, 1961. $3.75

HINE, ROBERT V., ed. *William Andrew Spalding, Los Angeles Newspaperman.* San Marino, Huntington Library, 1961. $5.00

STOCKTON, GEORGIA. *La Carpinteria.* Carpinteria, California, Carpinteria Valley Historical Society, 1960. $4.50

The Ward Ritchie Press and *Anderson, Ritchie & Simon.* Foreword by Lawrence Clark Powell. Preface by Ward Ritchie. Los Angeles, Anderson, Ritchie & Simon, 1961. Regular edition, $6.00

WORCESTER, DONALD E. *Kit Carson: Mountain Scout.* Boston, Houghton Mifflin Co., 1960. $1.95

YOUNG, NELLIE MAY. *An Oregon Idyl.* Glendale, The Arthur H. Clark Company, 1961. $4.50

YOUNG, OLIVIA. *Take the Dirt Road. California In Photographs and Poems.* Sanbornville, N. H., Wake-Brook House, 1960. $3.00

ARTICLES

ANDERSON, TOTTON J. "The Political West in 1960," *The Western Political Quarterly,* XIV (March, 1961).

BEATY, CHESTER B. "Topographic Effects of Faulting: Death Valley, California," *Annals of the Association of American Geographers,* LI (June, 1961).

"California Libraries Annual Statistics," *News Notes of California Libraries,* LVI (Winter, 1961).

"California State Library Report," *News Notes of California Libraries,* LVI (Winter, 1961).

Cutter, Donald C. "Dedication to Lawrence Kinnaird," *Arizona and the West,* II (Summer, 1960).

Fredman, L. E. "Broderick: A Reassessment," *Pacific Historical Review,* XXX (February, 1961).

Froman, Robert. "The Red Ghost," *American Heritage,* XII (April, 1961).

Gates, Paul W. "California's Agricultural College Lands," *Pacific Historical Review,* XXX (May, 1961).

Gentilcore, R. Louis. "Missions and Mission Lands of Alta California," *Annals of the Association of American Geographers,* LI (March, 1961).

High, James. "William Andrews Clark, Westerner,—An Interpretative Vignette," *Arizona and the West,* II (Autumn, 1960).

Jonasson, Jonas A. "They Rode the Trains: Railroad Passenger Traffic and Regional Reaction," *Pacific Northwest Quarterly,* LII (April, 1961).

Lee, Eugene C., and William Buchanan. "The 1960 Election in California," *The Western Political Quarterly,* XIV (March, 1961).

Martin, V. Covert. "River Steamboats of Stockton," *The Far Westerner,* Stockton, I (January, 1960).

Miller, Robert Ryal. "Gaspar Sánchez Ochoa: A Mexican Secret Agent In the United States," *The Historian,* XXIII (May, 1961).

Morgan, Dale L. "The Ferries of the Forty-Niners," *Annual Wyoming,* (October, 1960). Continued from previous number.

Musolf, Lloyd D. "Independent Hearing Officers: The California Experiment," *The Western Political Quarterly,* XIV (March, 1961).

Pitchell, Robert J. "Reapportionment as a Control of Voting in California," *The Western Political Quarterly,* XIV (March, 1961).

Pitt, Leonard. "The Beginnings of Nativism in California," *Pacific Historical Review,* XXX (February, 1961).

Radabaugh, John Sheldon. "Tendencies of California Direct Legislation," *The Southwestern Social Science Quarterly,* XLII (June, 1961).

Rush, Philip S. "Cuyamaca," *The Southern California Rancher,* XXVI (May-June, 1961).

Scruggs, Otey M. "The United States, Mexico and the Wetbacks, 1942-1947," *Pacific Historical Review,* XXX (May, 1961).

Shapiro, Samuel. "With Dana Before the Mast," *American Heritage,* XI (October, 1960).

Temko, Allan. "Russians In California," *American Heritage,* XI (April, 1960).

Utley, Robert M. "The Dash to Promontory," *Utah Historical Quarterly,* XXIX (April, 1961).

Young, Edwin W. "The Adoption of the Common Law in California," *American Journal of Legal History,* (October, 1960).

Book of Remembrance

On view in the Society's library is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund. Below are names that have been inscribed for 1960 and 1961.

Established in 1945

1960

Edith Winslow Allyne
Frazer A. Bailey
Hans Barkan
Newton Hereford Bell
William Warren Bell
Frank J. Boek
Azalea Hastings Watkins Breeze
Teresita Broome
Alicia L. Compton
Oscar Cooper
Harry H. Fair
Helen Louise Hickok Ford
Guy J. Giffen
C. Donald Goodwin
Deborah Bixby Green
Sarah H. Gregory
Frances Tomlinson Griffin
Harry Edward Griffin
Mignon Mecartney Hall
Signe Berg Harding
Jesse Hardy
Bertram James Hunter
James Jenkins
R. Wallace Johnston
Arthur H. Kent
Thomas Kerchum
Harris Crozer Kirk
John Lawler
Charlotte Judson Levensaler
Eugene Walter Levy
Genevieve S. Manchester
Ada Harvey Martin
Aletha Farmer Martin
Tulita Wilcox Miner
John Francis Neylan
William H. Noe
Eliza Mayhew Norton
Frank Butler Norton
Mary Downey Orrick
Hettie Stephenson Owen
Mabel Pomeroy Planer
Stuart A. Rugg
Christopher Henry Runde
Hannah Wheeler Runde
Gertrude Sinsheimer
John Hamilton Still
Ellery Ellsworth Stone
Lee L. Stopple
Henry F. Swift
George Tallant
Madeiline Z. Turner
Edward G. Vollmann
Ella Adele Botsford Watkins
Halbert Eugene Watkins
Ernest Burnham Wicke
Edward J. Wren

1961

Bernice Barrows
Will M. Bliss
Ida Savage Bolles
Alice B. Bowen
Robert Gage Burmister
Harry Blyth Pickens Carden
Robert Edgar Cecil
Sue Jurika Cecil
Charles A. Christin
Clarence Coonan
Oscar Cooper
Harry L. Evans
H. Rowan Gaither, Jr.
William T. George
Seward A. Griggs
Claire Parker Holdredge
Josephine H. Hooper
William S. W. Kew

Leonard Joseph Lea
William Harrison Leisk
Nathan Levin
Juanita Ghirardelli Magee
Edward F. Martin
Jack Maxfield
Frederick H. Meyer
Tulita Wilcox Miner
Percy L. Pettigrew
Frederick Holberg Reimers
Frederick Caspar Rudolph
Rose Ann Hunter Rudolph
Mary Jane Shattuck
Alfred M. Shearer
John Franklin Shuman
Ella Bissell Silvers
Hugh Ford Stewart, Jr.
Benjamin Prince Upham
Ruth Slack Zook

In Memoriam

DOZIER FINLEY

Dozier Finley, member of the California Historical Society and retired research director and consultant for Fibreboard Paper Products Inc., passed away at his Berkeley home on May 25, 1960.

Mr. Finley was born in Santa Clara in 1881, the second child of Newton Gleves Finley and Rowena Dozier Finley. The pioneer Finleys' first born child was Edna Rowena Finley, who now survives her late brother.

Mr. Finley's father, Newton Gleves Finley, was only a nine-year-old boy when brought to California via covered wagon with his parents in 1852. They settled at Campbell, near San Jose. His mother, Rowena Dozier Finley, arrived here in 1869, coming West on one of the early transcontinental railroad trains.

In 1902 Dozier Finley graduated from the University of California. Even before his graduation he had obtained employment with the Paraffine Paint Company where he became a research consultant up through the period that Fibreboard Products became the firm's title.

Mr. Finley built one of the first homes in the Elmwood district in 1907, a residence long marked by the two cannons on the front lawn. One of these two cannons originally belonged to General Vallejo, and has since been presented to the Society of California Pioneers by Mr. Finley.

Dozier Finley has maintained an intense interest in California history since his boyhood days—a trait well remembered by his children who recall the many tours of the California missions to which he treated them. "I only hope," says Mrs. Victor S. Decker, one of his surviving daughters, "that we can instill in our children the same interest in California lore that our father instilled in us."

During World War I Mr. Finley was a major of Army Ordnance, and at one time taught a course on high explosives at Stanford. He was former California chairman of the American Society for Testing Materials, and was active in the American Chemical Society and the Western Chemical Congress. He was a member of the Acacia fraternity on the University of California campus, the Sigma Xi honor science society, past master of Durant Lodge of Masons in Berkeley, and past patron of the Berkeley Eastern Star.

Funeral rites were conducted from St. John's Presbyterian Church where Mr. Finley had served as a ruling elder.

In addition to his sister he is survived by his widow, Mrs. Mary Finley; sons William, of Seattle, and Lieutenant Commander Hugh D. Finley, of the United States Navy, Monterey; daughters Mrs. Victor Decker, of Berkeley, and Mrs. Richard R. Elliott, of Castro Valley; and nine grandchildren.

LEONARD H. VERBARG

HOWARD CHRISTIAN NAFFZIGER

Dr. Howard C. Naffziger was born in Nevada City, California, on May 6, 1884. His mother, Lizzie Scott Naffziger, was a purposeful, correct, orderly, church-going woman, a type, perhaps, of a post-pioneer leader. She spent much of her later years with her son, watching proudly and fondly qualities that she had imparted to him—watching fondly, but not quite slackening the reins. Howard surpassed her standards and expectations.

Steadily, step by step, he reaped the increasing harvest of his diligence, his careful planning, his meticulous research, his ability to direct, his leadership. He began his service at the University of California Medical School as an interne in 1909; he left it as professor of neurological surgery and chairman of the department of surgery in 1951; from then on he was made professor emeritus, but he continued to serve his alma mater as a regent until the day of his death. As in the university, so in many other organizations; beginning as a member, he was soon elected to presidency. The Army held him in high regard; after the first World War he was made a colonel; later he was consultant, advisor and leader in many missions, not only for the Army, but for the Unitarian Church and other organizations. He was elected Honorary Fellow of the Royal College of Surgeons, the Royal Society of Medicine, and honorary member of a dozen other medical societies.

He leaves behind him a tradition of careful, well-planned, orderly work. He had a quality of seeing and aiming far into the future. He had an extraordinary self-control and a calm, unruffled, even temper.

In 1919, while still in uniform, he married Miss Louise McNear, who remained his most understanding helpmate. She is of an old Petaluma family. She bore him three daughters, Marion (Mrs. William H. Orrick, Jr., of Washington, D. C.); Jean Louise (Mrs. Nicholas G. Thacher, of Washington, D. C.), and Elizabeth (Mrs. Walter Eugene Stern, of Los Angeles).

Howard Naffziger's grace, urbanity and simplicity adorned whatever offices he filled. His family, his friends, his patients, his university mourn him.

LEO ELOESSER

MRS. AMANDA SCHLESINGER

The outstanding career of a distinguished San Francisco woman has come to an end with the death of Mrs. Amanda Schlesinger, who for years was a prominent member of the California Historical Society. A native of San Francisco, she passed away at the age of 82 after a long illness.

Mrs. Schlesinger's career was highlighted by her long practice of the law, and her interest in charitable and civic organizations. Her specialty was international law.

She was graduated from Girls High School in 1895 and from Polytechnic High School two years later. In 1898 she received her diploma from San Francisco Normal School and was a teacher for a short period. Then she turned to a study of the law and was admitted to the California bar in 1901, being then one of the very few women attorneys in the state.

She was a member of the Queen's Bench, the National Association of Women Lawyers, and the International Law Society.

Child welfare and various philanthropic activities engaged much of her attention. She was one of the early board members of the Juvenile Protective Society and took an active part in the enactment of this state's first child labor law and also legislation setting minimum wages and maximum hours for women workers. She also served on boards of various charitable groups and was a member of a Ration Board during World War II.

In 1906 she was married to Bert Schlesinger, a widely known lawyer who had been assistant United States District Attorney. They were divorced six years later.

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CIVIL WAR COMMEMORATIVE ISSUE

Foreword by Oscar Lewis

California and the Civil War: *A Bibliographical Essay*
By BENJAMIN FRANKLIN GILBERT

Dan Showalter — *California Secessionist*
By CLARENCE C. CLENDENEN

Southern and Northern Methodism in Civil War California
By BARBARA MCCLUNG MACVICAR

California Soldiers in the Civil War
By LEO P. KIBBY

DECEMBER 1961

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California Historical Society Quarterly

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FOREWORD

For the Society to devote an entire issue of the Quarterly *to a single subject is something that has rarely, if at all, been done before; hence it might be worth while to consider briefly the reasons for, and the significance of, this "Civil War Number."*

What part the Californians played in that struggle, their attitude toward the contending parties, and how and to what extent they made their influence felt—these are matters that are little known today, not only to the country at large but to the Californians themselves. It is generally agreed that more has been written about the Civil War than about any other single event in the nation's history. How does it happen that in the thousands of books that have appeared over the past century, books that deal with virtually every phase of the conflict, California's contribution has been almost completely ignored? The reason is not hard to find. For on the day hostilities began, California was still a remote and isolated community, shut off from the rest of the nation by hundreds of miles of mountains and deserts, and so sparsely settled that, in the words of H. H. Bancroft, "The population of the whole Pacific Coast, including Utah and Colorado, did not equal one quarter the population of the single state of Pennsylvania." It was natural to assume that a state so far removed from the battlefronts could make its influence felt only slightly, if at all.

The fact that despite the handicaps of distance, of inhabitants widely scattered and few in number, of primitive means of communication and transportation, and an industrial development still in its infancy, the state played a by no means inconsequential role in the struggle is a tribute alike to the resourcefulness of the pioneers and to the quality of their patriotism. In this day of uncertainty and world tensions, it might be well to remember and reflect on how the Californians of an earlier day met the challenges of their own time.

Something of their story is told on the pages that follow.

OSCAR LEWIS

California and the Civil War

A Bibliographical Essay

By BENJAMIN FRANKLIN GILBERT

INTRODUCTION

WHEREAS HISTORIANS of the national picture have overlooked California in the Civil War, California historians have not neglected the role of their state in the war. This paradox is partially explicable because of the distance of California from the scene of major warfare. While the nation observes the Civil War Centennial, it is worthwhile to discuss historical writings and sources treating the role of California in that classical conflict. Fiction and poetry are not discussed herein, but one may refer to chapter four of Franklin Walker's *San Francisco's Literary Frontier* (New York, 1939).

Both authoritative and polemical historians and writers have often disagreed about certain aspects of California and the Civil War. For example, the question of California's loyalty to the Union was debated prior to the outbreak of the war, during its course, and ever since. Closely related to this issue was the extent of Confederate sympathy. Another matter, often presented differently by writers, is the Russian naval visits to San Francisco. This article discusses these issues and a few others, but its main purpose is to provide a selective guide to some of the published and unpublished sources. While Hubert H. Bancroft, Theodore H. Hittell, and Zoeth S. Eldredge have made a few errors about California and the Civil War, some other writers in more specific studies of the period have made more. Particularly errors committed by Elijah R. Kennedy in his *The Contest for California in 1861: How Colonel*

BENJAMIN FRANKLIN GILBERT, a native of San Francisco, received his A.B., A.M., and Ph.D. degrees from the University of California, Berkeley. Author of *Pioneers for One Hundred Years: San Jose State College, 1857-1957*, and of many articles on the Civil War in California, Dr. Gilbert is professor of history at San Jose State College.

E. D. Baker Saved the Pacific Coast to the Union (Boston, 1912) have been repeated and compounded by later writers. Because of their frequent use in this essay the following abbreviations are used: *C.H.S.Q.* for *California Historical Society Quarterly*; *O.R. for War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (128 vols., Washington, D.C., 1880-1901); *P.H.R.* for *Pacific Historical Review*; and *Q.H.S.S.C.* for *Quarterly of the Historical Society of Southern California.*

BIBLIOGRAPHICAL AIDS

The scholar interested in California and the Civil War has to rely largely upon his own ingenuity and imagination; however, there are a few bibliographical aids of value. One is the *Bibliography of State Participation in the Civil War, 1861-1866* (Washington, D.C., 1913), which devotes seven pages to California. Oscar O. Winther's *A Classified Bibliography of the Periodical Literature of the Trans-Mississippi West (1811-1957),* (Indiana University Press, 1961), pp. 275-76, lists articles on California and the Pacific Northwest. In the *Index to the Writings on American History, 1902-1940* (Washington, D.C., 1956), there are fifteen items listed under California pertaining to Civil War troops. Useful as aids to archival sources are *The List of National Archives Microfilm Publications 1961* (Washington, D.C., 1961) and the *Guide to the Records in the National Archives* (Washington, D.C., 1948). Although there is no guide to the California State Archives, one may acquire an inkling of its contents from reading the article by Edwin L. Head, "Report on the Archives of the State of California," *Annual Report of the American Historical Association, 1915* (Washington, D.C., 1917), pp. 281-309. For the location of California newspapers one may consult Winifred Gregory, ed., *American Newspapers, 1821-1936: A Union List of Files Available in the United States and Canada* (New York, 1937) and in the California Section of the State Library at Sacramento one may use the newspaper card index as a valuable reference tool to material in a file of San Francisco newspapers. (See note p. 307.)

LOYALTY OF CALIFORNIA

With Lincoln's election as President in 1860, the question arose of California's course should the Southern states secede. Many contemporaries and most of the first writers on the subject contended that a secessionist plot existed and that General Albert Sidney Johnston, the Southerner in command of the Department of the Pacific, was the arch-conspirator. Such was the view of William G. Morris, who had served as adjutant of the Second California Cavalry, in his *Address Delivered Before The Society of California Volunteers at Its First Annual Celebration* (San Francisco, 1866). This charge was repeated by Hugh A. Gorley in 1893, in "The Loyal Californians of 1861," Military Order of the Loyal Legion of the United States, *War Papers* No. 12 (n.p., n.d.) and by others. Kennedy in his *Contest for California in 1861,* pp. 79-84, implied that William M. Gwin had arranged to place Johnston in command to implement a plot. Thirty years later James A. B. Scherer in *Thirty-First Star* (New York, 1942), pp. 253-74, took Kennedy to task for his attack on Johnston. In my article, "The Mythical Johnston Conspiracy," *C.H.S.Q.*, XXVIII (June, 1949), 165-73, I attempted to explode the myth of a Johnston conspiracy and another defense of the Southern general has been made by Avery C. Moore in his *Destiny's Soldier* (San Francisco, 1958). However, Moore in the introduction of his book claimed that Johnston saved the Pacific Coast from civil war. Actually no single individual saved either the Pacific Coast or California for the Union, although Thomas Starr King and Edward Dickinson Baker too have been so credited.

On the eve of the Civil War, California faced four courses of action: secession, neutrality, separation and independence, and union. Arguments and counterarguments were presented from all viewpoints and some people were in doubt as to which course to follow. After Confederate batteries fired on Fort Sumter, the immediate repercussion in California was an increased hostility toward the Pacific Republic movement and the Confederate cause, and a renewed wave of loyalty swept over the state. Although California was isolated from the conflict in the East and despite diversified political beliefs of her people, Unionist sentiment was overwhelming when actual warfare forced a decision. Republican and Union Democratic leaders expressed unconditional loyalty, and Union civic and military meetings and processions were held. Yet California's attitude was still of grave concern to Northern supporters, who were not at ease until the election of Leland Stanford in September, 1861, as the first Republican governor. The Unionist candidates polled over two-thirds of the votes. Although the loyalty of the state appeared evident, home guards were activated, loyalty oaths were required for certain groups and individuals, and occasional military arrests were made to insure loyalty.

Various estimates have been made of the number of pro-Confederates in California. On August 28, 1861, a large group of San Francisco businessmen dispatched a plea in the form of a lengthy letter to Secretary of War Simon Cameron, in which they expressed their objection to a rumored report that 5,000 Californians were to be enlisted for service against Confederate forces in Texas. This letter (Robert C. Rogers, *et al.*, to Simon Cameron) appeared in *O.R.*, Ser. I, Vol. L, Pt. II, pp. 589-91), and the remonstrators argued that the Pacific Coast would become another Missouri if troops were withdrawn from California. After asserting that a majority of state officials were secessionists and that the governor (John G. Downey) was pro-Southern, the letter stated: "About three-eighths of our citizens are natives of slaveholding States, and almost a unit in this crisis." Moreover, the businessmen claimed that 16,000 were organized in the Knights of the Golden Circle and implied that native Californians of Spanish descent and squatters were allied with the disunionists.

William D. Simonds in his *Starr King in California* (San Francisco, 1917), p. 53, quoted this letter, but somehow the figure of natives of slave-holding states was changed from "three-eighths" to "three-fifths." Four years later, Charles W. Wendte in his *Thomas Starr King* (Boston, 1927), p. 154, wrote that forty per cent of the people of California were Southern born. In an address on the Civil War home guard of San Francisco, of which he had been a member, Horace Davis portrayed California's position as that of a border state and claimed that "a large element" was pro-Confederate. This address was given before the Panama-Pacific Historical Congress in 1915, and was published in *The Pacific Ocean in History* (New York, 1917), edited by H. Morse Stephens and Herbert E. Bolton, pp. 363-72.

In reality less than seven per cent of California's population had migrated from the seceded states. In my "The Confederate Minority in California," *C.H.S.Q.*, XX (June, 1941), 154-70, I contended that only a small Confederate minority existed in California. Writing in 1943, the late James A. B. Scherer tended to disagree with my view or at least he refused to commit himself, although he considered "all the available evidence." Today I still adhere to my original contention of an overwhelming Unionist sympathy despite small pockets of Confederate sentiment in such locations as Visalia and despite strong Southern political leadership on a state-wide basis in the decade before the war. To my way of thinking the census returns of 1860 are a more reliable indicator of Southern nativity than the wild assertions of certain hysterical eyewitnesses in 1861.

There is some evidence that certain individuals within the Republican party or Union party, who were enjoying their first political fruits, were willing to exaggerate the degree of pro-Confederate sympathy for a variety of reasons. Besides possessing vivid imaginations, they probably wanted to appear more patriotic during a vicious civil war. More concretely they probably exaggerated and even fabricated Confederate plots to weaken the Democratic party, to hasten federal approval of a transcontinental railroad, and to assure adequate appropriations for local defense.

CONFEDERATE SECRET SOCIETIES AND SYMPATHIZERS

According to Kennedy, the secessionist secret order, Knights of the Golden Circle, had a membership of 18,000 in California in 1860. The letter of the San Francisco businessmen to Secretary Cameron gave the figure as 16,000. Another secret society was the Knights of the Columbian Star. Charles M. Dustin in his article, "The Knights of the Golden Circle," *Pacific Monthly*, XXVI (November, 1911), 495, said that membership in both societies numbered 100,000 in California. These numbers were grossly exaggerated, and to what degree the secret orders had any influence is difficult to determine. Reports of the government detective, Gustav Brown, of Clarence E. Bennett, an informant at San Bernardino, and of a few others convey the only known intelligence data concerning their activities. The two mentioned reports appear in *O.R.*, Brown to Captain A. Jones Jackson, October 16, 1864, Ser. I, Vol. L, Pt. II, pp. 1018-19, and Bennett to General E. V. Sumner, August 6, 1861, Pt. I, pp. 556-58.

The reliability of this evidence is questionable because the informants were usually not trained and presumably some submitted unsolicited information. From reading the letters of some informants the impression is gained that they were attempting to prove their own patriotism or report unfairly about personal enemies. Most reports were vague and seemed to view all Democrats as pro-Southern. An interesting study of a loyalty investigation in the community of Oroville appeared in Harold M. Hyman's article, "Oroville's Reputation Redeemed: A Loyalty Investigation in California, 1862," *P.H.R.*, XXVI (May, 1956), 173-78.

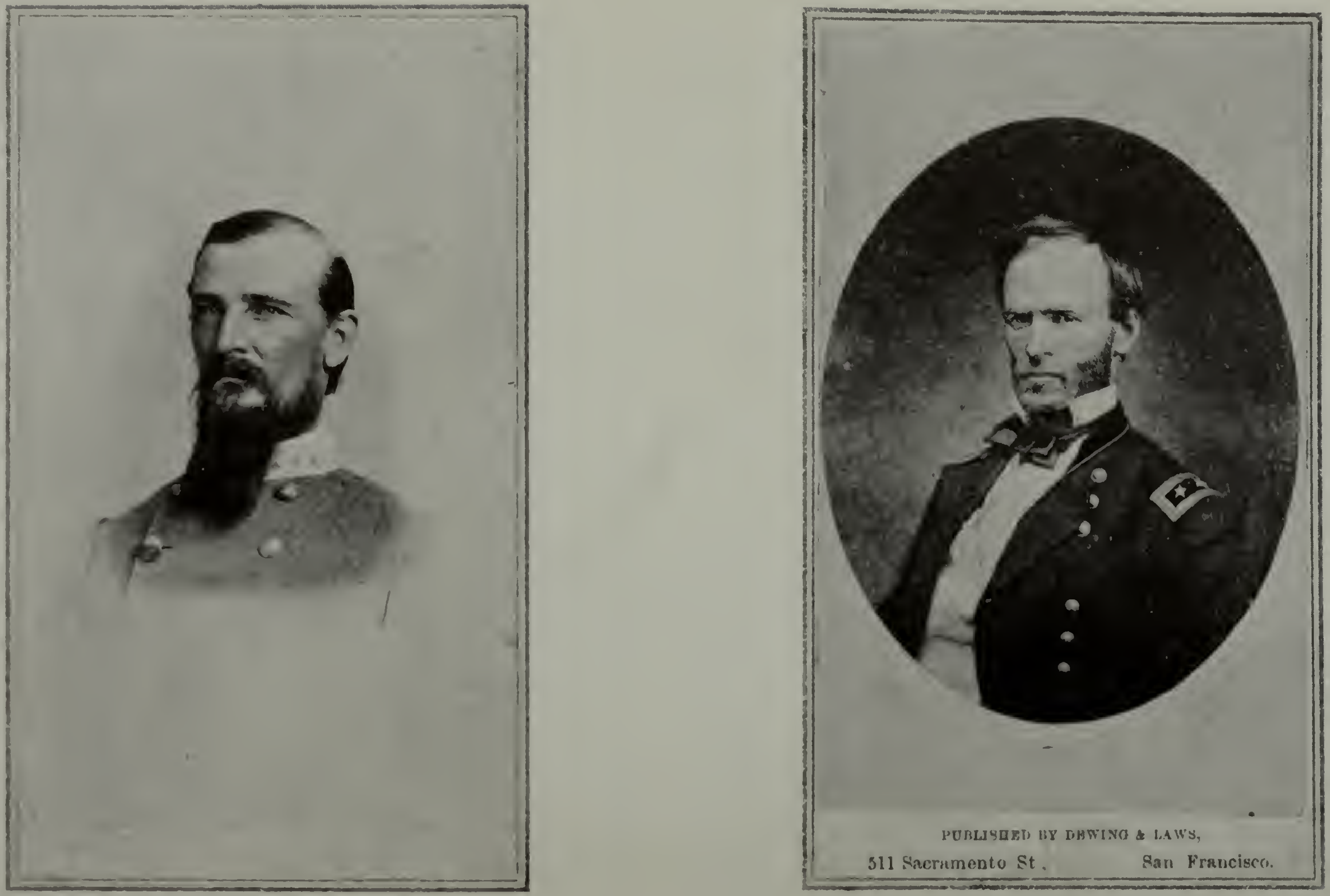
Contemporary California newspapers seldom mentioned any pro-Southern organizations probably because of their secrecy and ephemeral nature. Nonetheless, the societies were considered a threat to the security of the state, particularly its southern part. As a checkmate to their activity home guard organizations were vigilant and federal troops were constantly shifted around to prevent any disturbance. Besides the published army records and the article by Dustin, data on the secret societies has been authored by several writers. Arthur Woodward wrote about them in the *Pony Express Courier*, IV (August, 1937), and in *Westerners Brand Book* (Los Angeles, 1949). Their activities in the San Bernardino area has been told by George W. and Helen P. Beattie in *Heritage of the Valley* (Pasadena, 1939).

Information about Confederates in southern California and about the Dan Showalter expedition may be found in Percival J. Cooney's article, "Southern California in Civil War Days," *Annual Publications of the Historical Society of Southern California*, XIII (1924), Pt. I, pp. 54-68. A recent article on "Confederates in Southern California" by Helen B. Walters appeared in *Q.H.S.S.C.*, XXXV (March, 1953), 41-54; in my opinion it seems to give undue strength to alleged secessionist sympathizers.

Among Southern sympathizers in California were several churchmen. John B. Astles has written about the most noted one, "Rev. W. A. Scott, A Southern Sympathizer," *C.H.S.Q.*, XXVII (June, 1948), 149-56. The military arrest of a Confederate suspect, Bishop H. H. Kavanaugh, has been told by Oscar P. Fitzgerald in his *California Sketches* (Nashville, 1883), pp. 214-28.

CIVIL LIBERTIES

Some interference with civil liberties occurred in California during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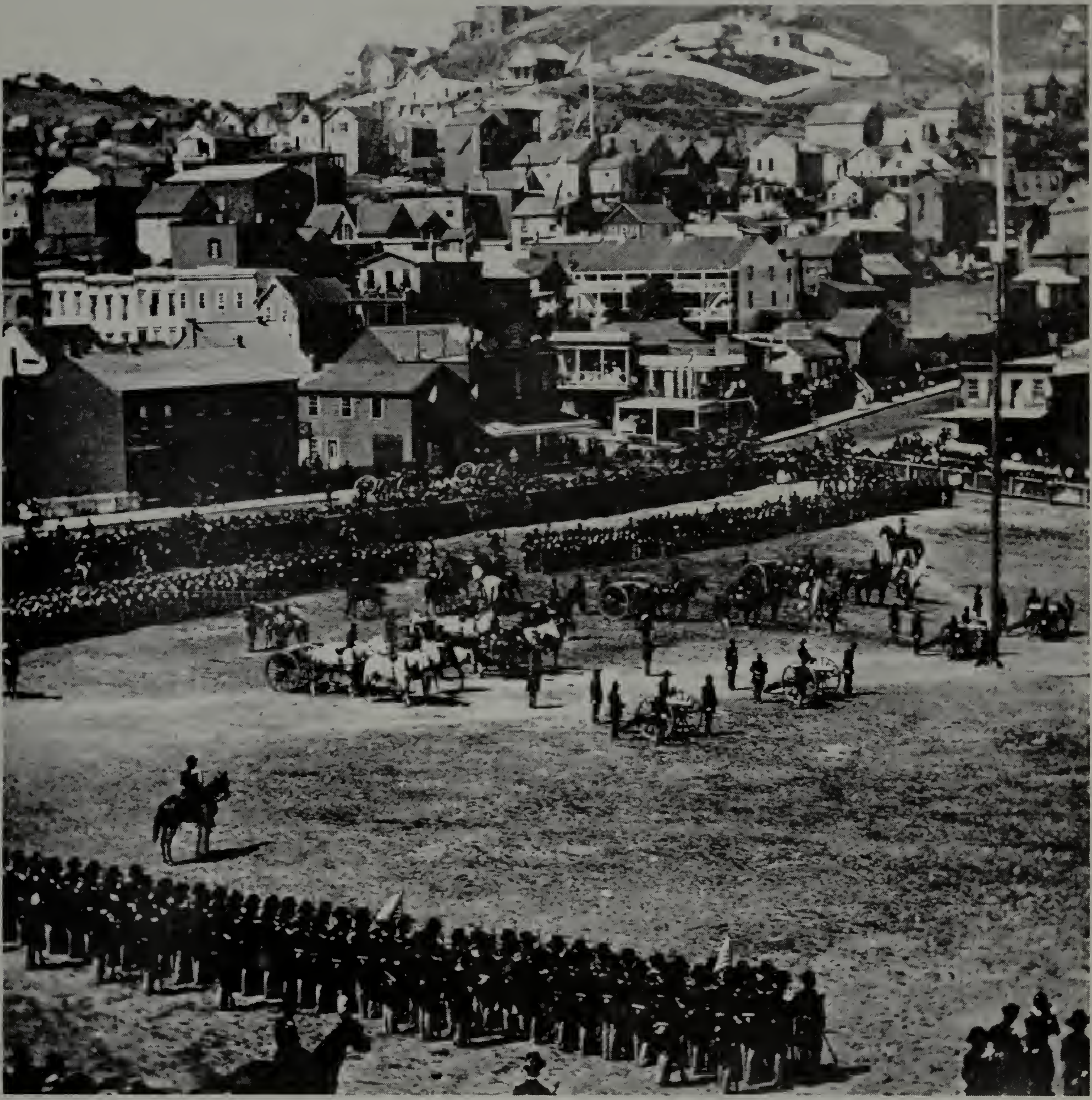
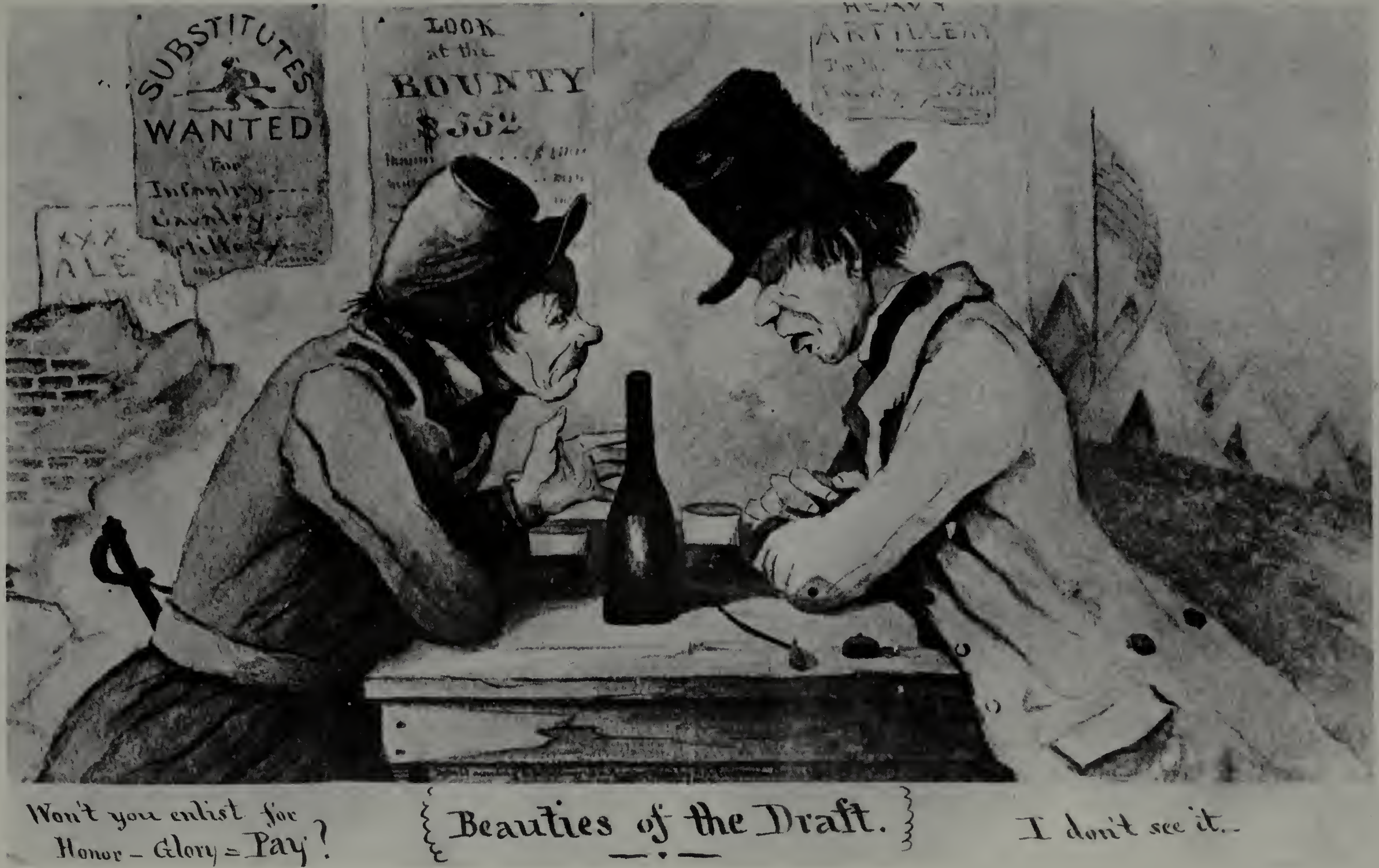
Joseph Lancaster Brent, Confederate General from Southern California, ca. 1864; William Tecumseh Sherman, famous Union general, was at Coloma 1848-1849, and returned to California 1853-1857. Bancroft's Pioneer Register notes that "he has often revisited California and taken a deep interest in pioneer matters."

From the Society's collection



Stereoscopic view of California troops at Washington Square,
San Francisco, July 4, 1862
From the Society's collection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XXX ALE
LOOK at the BOUNTY $552
HEAVY ARTILLERY
Won't you enlist for Honor – Glory = Pay?
Beauties of the Draft.
I don't see it.

Civil War cartoon from a contemporary California journal

From the Society's collection

the war. In 1862, James H. Hardy, judge of the Sixteenth Judicial District of California, was impeached and removed from office for his seditious and treasonable language. The official report of the trial appeared in the *Senate and Assembly Journals*, 1862, Appendix (Doc. 37). After the war, the 1869-70 Democratic legislature vindicated Hardy. The incident has been related by Frank M. Stewart in "Impeachment of Judge James H. Hardy," *Southern California Law Review*, XXVIII (December, 1954), 61-69.

In October, 1862, Assemblyman E. J. C. Kewen was arrested for uttering treasonable language. On June 1, 1865, John McCall was arrested at Potter Valley for using grossly abusive language in expressing his approval of Lincoln's assassination in one speech and then for denying in another speech that Lee had surrendered or that Lincoln had been assassinated. McCall was brought 150 miles under military guard to Fort Alcatraz where he was confined for six days and compelled to perform manual labor for committing "military offenses." A summary of his trial appeared in *The Federal Cases: Comprising Cases Argued and Determined in the Circuit and District Courts of the United States* (St. Paul, 1894-98), Case No. 8673, McCall *v.* McDowell, pp. 235-38.

A scholarly article concerning Civil War loyalty oaths is authored by Harold M. Hyman, "New Light on *Cohen* v. *Wright*: California's First Loyalty Oath Case," *P.H.R.*, XXVIII (May, 1959), 131-40. At times pro-Confederate and anti-Lincoln newspapers were destroyed by mob action and on occasion the commanding general of the Department of the Pacific denied certain journals described as "disloyal sheets" the use of the mails and express offices.

POLITICAL CONDITIONS

Considerable data concerning politics during the Civil War may be found in Winfield J. Davis's *History of Political Conventions in California, 1849-1892* (Sacramento, 1893). The most recent detailed study is the unpublished doctoral thesis by William P. Moody, *The Civil War and Reconstruction in California Politics*, completed at the University of California at Los Angeles in 1951. Several master theses at the University of California also relate to the political situation, particularly the studies made in 1929 by Etta O. Powell on *Southern Influences in California Politics* and by Francis L. Latimer on *California and the Civil*

War. One by John J. Earle, *The Sentiment of the People of California with respect to the Civil War* (1904), relates to public opinion. A summary of this thesis appeared in the American Historical Association *Annual Report* for 1907, Vol. I, pp. 123-35. Another useful article on public opinion is Imogene Spaulding's "The Attitude of California to the Civil War," in *Annual Publications of the Historical Society of Southern California*, IX (1912), 104-31. Important for a study of the state's relations with the federal government is the published doctoral thesis by Joseph Ellison entitled *California and the Nation, 1850-1869* (University of California Press, 1927). This study also covers some economic aspects of California during the Civil War with regards to mineral lands, the railroad, and legal tender notes.

As an introduction to Lincoln's relations with California there is the useful book by Milton H. Shutes, *Lincoln and California* (Stanford University Press, 1943). Also helpful are the articles by John D. Carter, "Abraham Lincoln and the California Patronage," *American Historical Review*, XLVIII (April, 1943), 495-506, and by William Zornow, "California Sidelights on the Presidential Election of 1864," *C.H.S.Q.*, XXXIV (March, 1955), 49-64. Shutes has also written "Republican Nominating Convention of 1860, A California Report," *C.H.S.Q.*, XXVII (June, 1948), 97-103. Considerable California material may be found in the book by Harry C. Blair and Rebecca Tarshis, *Lincoln's Constant Ally: The Life of Colonel Edward D. Baker* (Portland, 1960). Lincoln's problem with the New Almaden quicksilver mine is covered in Shute's book and in Samuel C. Wiel's *Lincoln's Crisis in the Far West* (San Francisco, 1949).

Several articles on California journalism shed some light on the Civil War political scene. For example, Benjamin B. Beales has written about "The San Jose *Mercury* and the Civil War," in *C.H.S.Q.*, XXII (September-December, 1943), 223-34, 355-64, and Ralph S. Kuykendall has written about Lovick P. Hall, editor of the Visalia *Equal Rights Expositor* in his article, "A California State Rights Editor," *Grizzly Bear*, XXIV (January, 1919), 3-4. An account of the destruction of San Francisco newspapers by mob action upon receipt of the news of Lincoln's assassination was told by Oscar Wegelin in his article, "Etienne Derbec and the Destruction of His Press at San Francisco, April, 1865," New York Historical Society *Quarterly Bulletin*, XXVII (January, 1943), 10-17.

California had three Civil War governors: John G. Downey, Leland Stanford, and Frederick F. Low. The most complete account of Downey's administration is the unpublished master's thesis by Mary Purdy, *The Governorship of John Gateley Downey of California, 1860-1862* (Stanford University, 1933). For a description of materials on his life in the Bancroft Library one may consult Julia H. Macleod's article, "John G. Downey as one of the 'Kings,'" *C.H.S.Q.*, XXXVI (December, 1957), 327-31. Stanford's career as war governor is described by George T. Clark in chapter five of his biography, *Leland Stanford* (Stanford University Press, 1931). Manuscripts pertaining to the third war governor, which are deposited in the Bancroft Library, have recently been edited by Robert H. Becker, *Some Reflections of An Early California Governor Contained in a Short Dictated Memoir by Frederick F. Low ...* (Sacramento, 1959). Other data about the duties of the war governors may be gleaned from the legislative journals and their appendices, from *O.R.*, Ser. I, Vol. L, Pts. I and II, and from archival sources which are described elsewhere in this essay.

MILITARY OPERATIONS

The most detailed book about the military operations of California units is Aurora Hunt's *The Army of the Pacific* (Glendale, 1951). She has also written "California Volunteers on Border Patrol, Texas and Mexico, 1862-1866," in the *Q.H.S.S.C.*, XXX (December, 1948), 265-76. Her latest book is a biography of *Major-General James Henry Carlton* (Glendale, 1958), who commanded the California Column. Several early studies of the California Column were made by George H. Pettis, an officer in Company K, First Regiment of California Infantry. Besides writing a brief history of his company entitled *Frontier Service during the Rebellion* (Providence, 1885), he wrote "The California Column," *Historical Society of New Mexico*, Publication No. 11 (Santa Fe, 1908).

A recent article on the California Column is authored by Leo P. Kibby, "With Colonel Carleton and the California Column," *Q.H.S.S.C.*, XLI (December, 1959), 337-44. A lengthy unpublished manuscript by Irene E. Newton, *The Column From California*, is deposited in the California

State Library. Another study is the master's thesis by Hugh E. Killin, *The Texans and the California Column* (Texas Technological College, 1931). A few recent books relating incidentally to the service of California volunteers in the Southwest are: Ray C. Colton, *The Civil War in the Western Territories* (University of Oklahoma Press, 1959); Max L. Heyman, Jr., *Prudent Soldier: A Biography of Major General E. R. S. Canby* (Glendale, 1959); Robert L. Kerby, *The Confederate Invasion of New Mexico and Arizona, 1861-62* (Los Angeles, 1958); and Martin H. Hall, *Sibley's New Mexico Campaign* (University of Texas Press, 1960). Mention should also be made of the scholarly article by W. H. Watford, "The Far-Western Wing of the Rebellion, 1861-1865," *C.H.S.Q.*, XXXIX (June, 1955), 125-48.

An excellent account of the services of California troops in guarding the overland route is told by Fred B. Rogers in his *Soldiers of the Overland* (San Francisco, 1938), a Grabhorn Press publication. A survey of the role of California soldiers in both Western and Eastern operations may be found in the recent popular book by Oscar Lewis, *The War in the Far West* (Garden City, 1961), which contains other "informal history."

After Captain J. Sewell Reed had recruited the "California Hundred," Major Dewitt C. Thompson raised the "California Battalion." Both these units became part of the Second Massachusetts Cavalry and participated in Eastern military operations. These are described by Thompson in *California in the Rebellion* (San Francisco, 1891). Interestingly at the time of the Spanish-American War the California State Historian, Winfield J. Davis, wrote the story of the "gallant" service of these soldiers in a lengthy article appearing in the Sacramento *Record Union* of July 31, 1898. As the Civil War Centennial approached Leo P. Kibby reached a national audience with his concise article, "Some Aspects of California's Military Problems During the Civil War," in *Civil War History*, V (September, 1959), 251-62.

Among published military records the *O.R.* constitute the prime source. These and many more unpublished records are in the National Archives. Likewise essential to all students of the military role of California is the state publication compiled by the Adjutant General of California, Richard H. Orton, *Records of California Men in the War* *of the Rebellion* (Sacramento, 1890). Another useful California state publication for determining the assignments of California soldiers is the *List of Electors, Resident of California in the Military Service of the United States . . .* (Sacramento, 1865), prepared by Adjutant General George S. Evans.

For data on harbor defenses there are pertinent military correspondence and reports in the *O.R.* as well as the California legislative journals, particularly in the governors' messages. This writer authored "San Francisco Harbor Defenses During the Civil War," in *C.H.S.Q.*, XXXIII (September, 1954), 229-40. Actually few secondary accounts, except for the third chapter of Hunt's *The Army of the Pacific*, have been written about military camps and installations in Civil War California and data must be sought in the primary sources. However, some miscellaneous information may be found in J. S. and Richard J. Whitney, *Forts of the State of California* (Seattle, 1960). Also useful is "A Guide to the History of the U.S. Army Installations In Arizona, 1849-1886," by Ray Brandes in *Arizona and the West*, I (Spring, 1959), 43-65, since California volunteers operated extensively in Arizona. A few facts about Camp Cady during the Civil War are in Leonard Waitman's "The History of Camp Cady," *Q.H.S.S.C.*, XXXVI (March, 1954), 49-91.

The entertaining story of military resistance rendered by Californians opposing French intervention in Mexico both during and after the Civil War has been told by Robert R. Miller in his article, "Californians Against the Emperor," *C.H.S.Q.*, XXXVII (September, 1958), 193-214.

NAVAL OPERATIONS

The United States Pacific Squadron, whose main base was at Mare Island Navy Yard, defended a long coastline extending from the Straits of Magellan to Vancouver Island. Its warships guarded sea lanes, defended harbors, protected American citizens and commerce, and aided communication projects. Confederate privateers and "pirates" attempted to capture California gold shipments, but the Navy assisted in frustrating their efforts in San Francisco, Vancouver, and Panama.

A summary of some of the wartime duties of the Pacific Squadron appears in the twentieth chapter of Hunt's *The Army of the Pacific* and data on Mare Island during the Civil War may be found in chapter five of Arnold S. Lott's book, *A Long Line of Ships: Mare Island's Century of Naval Activity in California* (Annapolis, 1954). Two chapters on privateering in the Pacific appeared in the study by William M. Robinson, Jr., *The Confederate Privateers* (Yale University Press, 1928). Another early study of this subject was made by Brainerd Dyer in his "Confederate Naval and Privateering Activities in the Pacific," *P.H.R.*, III (December, 1934), 433-44.

A large part of the naval story relates to California and is detailed in the present writer's unpublished doctoral thesis, *Naval Operations in the Pacific, 1861-1866* (University of California, 1951), directed by Professor Lawrence Kinnaird. Two of the chapters were first published in preliminary form in historical journals and four chapters were published after completion of the thesis. In 1940 appeared "Kentucky Privateers in California," *Register of the Kentucky Historical Society*, XXXVIII (July, 1940), 256-66, which was an account of the efforts of Asbury Harpending, Ridgeley Greathouse, and Alfred Rubery, to outfit the *J. M. Chapman* as a Confederate privateer at San Francisco in 1863. Harpending's *The Great Diamond Hoax* (San Francisco, 1913) told his version of the abortive affair in his reminiscences. This entertaining book, edited by James H. Wilkins, was republished in 1958 by the University of Oklahoma Press and carried a foreword by Glen Dawson. Unfortunately, the Asbury Harpending papers stored at the California Historical Society do not cover the Civil War period.

A sketch of Greathouse, authored by Effie Ballard, appeared in the *Register of the Kentucky Historical Society*, XXXIII (July, 1935), 273-75. The proceedings of the trial of the privateers is summarized in U.S. *v.* Greathouse, *et al., The Federal Cases: Comprising Cases Argued and Determined in the Circuit and District Courts of the U.S.* (St. Paul, 1894-98), Bk. XXVI, Case No. 15,254, pp. 18-30. After their brief imprisonment, Harpending and Greathouse were released under the provisions of an amnesty act, but Greathouse was later rearrested and imprisoned in New York until his escape. However, Rubery, an Englishman, who did not qualify for release under the terms of the amnesty act, was pardoned by President Lincoln at the instigation of John Bright. The pardoning has been told by the late F. Lauriston Bullard, a well-known Lincolnian authority, who wrote "Lincoln Pardons Conspirator On Plea of An English Statesman" in the *American Bar Association Journal,* XXV (March, 1939), 215-20. Although this article was not documented, its bibliography has been added recently to Bullard's Lincoln collection at Boston University. Besides the chapter in Robinson's book, chapters of the *Chapman* incident have also appeared in William M. Camp's *San Francisco, Port of Gold* (Garden City, 1947) and Richard H. Dillon's *Embarcadero* (New York, 1959).

Shortly after the failure of the *Chapman* plan, many rumors circulated that Confederate privateers eyed California gold shipments from British Pacific waters and the present writer has uncovered that story in his "Rumours of Confederate Privateers Operating in Victoria, Vancouver Island," *British Columbia Historical Quarterly,* XVIII (July-October, 1954), 239-55, using sources primarily from the Archives of British Columbia. An account of the fruitless efforts of seven enlisted men in the Confederate Navy to capture a steamer at Panama for the purpose of raiding California gold ships and their subsequent trial at San Francisco and imprisonment at San Quentin has been related by the present writer in his recent article, "The Salvador Pirates," in *Civil War History,* V (September, 1959), 294-307.

Fears of privateers harassed California merchants and shippers throughout the war and even briefly after it when two shiploads of survivors from the depredations of the Confederate raider *Shenandoah,* operating in the North Pacific and Arctic, reached San Francisco. In August, 1865, Captain James I. Waddell, unaware of the war's end, planned an attack upon the city. This is revealed in Waddell's papers in the National Archives which have recently been edited by James D. Horan, *C.S.S. Shenandoah* (New York, 1960). Repercussions felt in San Francisco by the destruction of the whaling fleet are related by Murray Morgan in his *Dixie Raider* (New York, 1948), pp. 255-64, and more recently by Lloyd C. M. Hare in his *Salted Tories: The Story of the Whaling Fleets of San Francisco* (Mystic, 1960), pp. 32-40.

British, French, Russian, and Spanish warships called at California ports, particularly San Francisco, during the Civil War. Local Army, Navy, and civilian authorities extended the usual courtesies to these visitors. At times the British and French warships were viewed suspiciously because of the fear of intervention in the war by those powers.

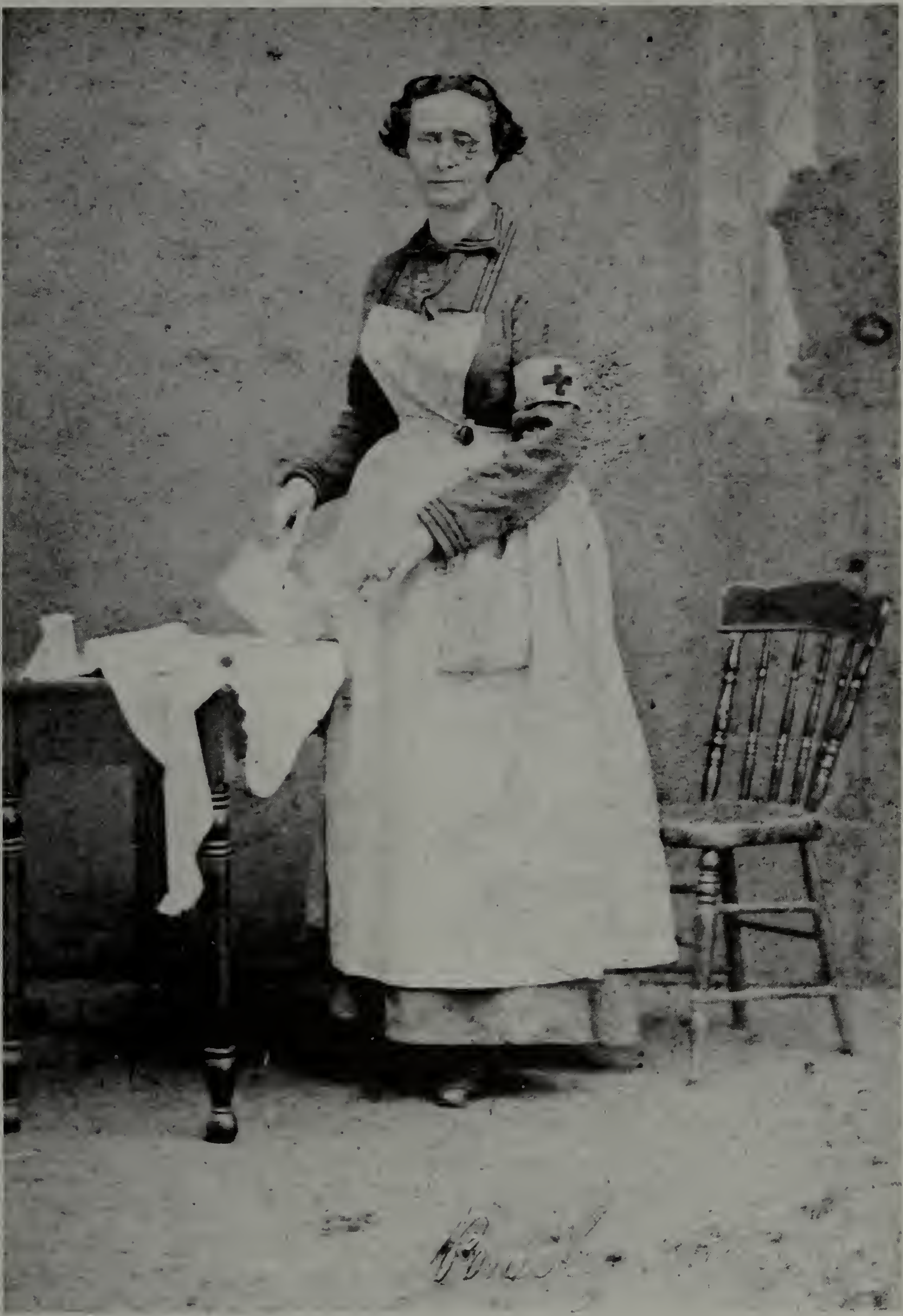
Moreover, the United States was concerned about French intervention in Mexico and Spanish intervention in Chile and Peru. Although all foreign warships were accorded friendly receptions at San Francisco, the two Russian naval squadrons which visited the port and obtained repairs at Mare Island Navy Yard were given more elegant treatment.

As a result of Russian naval visits to San Francisco and New York rumors spread of an alliance with Russia and the legend of Russian aid to the United States during the Civil War developed. Although the legend was disproven by Frank A. Golder in his scholarly article, "The Russian Fleet and the Civil War," *American Historical Review*, XX (July, 1915), 801-12, it still persists in a few unreliable histories and an occasional newspaper story. A brief account of the San Francisco visits was related by the present writer in his "Welcome to the Czar's Fleet," in *C.H.S.Q.*, XXVI (March, 1947), 13-19. Two more recent accounts of the Russian visits may be found in William E. Nagengast's "The Visit of the Russian Fleet to the United States: Were Americans Deceived?," *Russian Review*, VIII (January, 1949), 46-55, and in chapter nine of Albert A. Woldman's *Lincoln and the Russians* (Cleveland, 1952).

An account of the blockade of Mexico's western ports by France and the presence of her warships at San Francisco and Santa Barbara has been related by the present writer in his article, "French Warships on the Mexican West Coast, 1861-1866," *P.H.R.*, XXIX (February, 1955), 25-37. To date little has been written in secondary accounts about the visits of British and Spanish warships to California waters during the Civil War; however, reference might be made to the book by Carlos E. Grez Pérez, entitled *Los Intentos de Unión Hispano-Americana y La Guerra de España en El Pacífico* (Santiago, Chile, 1928). Further data may be found in other books in Spanish and in contemporary newspapers and naval and diplomatic records.

SANITARY COMMISSION

Information about the Sanitary Commission, sometimes referred to as the "Red Cross of the Civil War," may be found in Charles J. Stillé's *History of the United States Sanitary Commission* (Philadelphia, 1866) and in the twenty-first chapter of Hunt's *The Army of the Pacific*. President Henry W. Bellows assisted in organizing its California branch



Bradley and Rulofson photograph of Mme. Mezzara in nurse's uniform ca. 1862. She served throughout the Civil War and her sculptor husband made the first statue ever to be made of Lincoln. It stood in front of the Lincoln Grammar School in San Francisco, and was destroyed during the earthquake and fire of 1906. The thumb of the statue, however, is in the possession of the California Historical Society.

From the Society's collection

in 1864, with Governor Frederick F. Low as president. Two articles concerning the commission appeared in the *C.H.S.Q.* as follows: Dorothy H. Huggins, "Women in War-Time, San Francisco, 1864: The Ladies' Christian Commission Fair," XXIV (September, 1945), 261-70, and William C. Miller, "Mark Twain at the Sanitary Ball—And Elsewhere," XXXVI (March, 1957), 35-40. The auctioneering of the famous sack of flour by Reuel C. Gridley for the benefit of the sanitary fund has been told by several celebrated writers such as J. Ross Browne and Mark Twain.

A recent detailed account appeared in chapter four of Oscar Lewis's *The Town That Died Laughing* (Boston, 1955). Also worthy of mention is the forty-page pamphlet, *A Tribute to the Memory of Reuel Colt Gridley*, published in 1883 at Stockton to assist in raising money for a monument. Contemporary California newspapers also contain considerable information about the Sanitary Commission and Christian Commission and their fairs to raise funds.

ECONOMIC CONDITIONS

The most neglected aspect of California's Civil War history has been the economic. Perhaps this too is a reason Civil War historians tend to bypass California. Although we know a great deal about the railroad and other means of transportation and something about mining and agricultural history, we know little about the growth of manufacturing and of commercial and maritime developments, except for John H. Kemble's *The Panama Route, 1848-1869* (University of California Press, 1943).

Joseph Ellison wrote "The Currency Question on the Pacific Coast during the Civil War," *Mississippi Valley Historical Review*, XVI (June, 1929), 50-66, and covered this and other economic issues in his *California and the Nation*, but further studies are required. Surely there is a need for a comprehensive study of the importance of California gold to the Union and the state's role as an exporter of mining machinery. Historians of California history should perform painstaking research in the economic phases of the Civil War. I presume one would have to consult the available manuscript census returns, the files of numerous newspapers, public documents, and manuscripts including materials still retained by private business and industrial companies.

OTHER PRINTED SOURCES

Besides the studies about California and the Civil War already mentioned under topical discussions, there are several other interesting items. For example, in the *C.H.S.Q.* the articles by: John H. Kemble, "Andrew Wilson's 'Jottings' on Civil War California," XXXII (September and December, 1953), 209-24, 303-12; Clarence C. Clendenen, "The Expedition That Never Sailed: A Mystery of the Civil War," XXXIV (June, 1955), 149-54; and J. M. Scammell, "Military Units in Southern California, 1853-1862," XXIX (September, 1950), 229-49. Some data on the occupation of Santa Catalina Island because of the fear of secessionists there may be found in J. M. Guinn, "The Lost Mines of Santa Catalina," *Annual Publications of the Historical Society of Southern California*, IX (1912-13), pp. 43-48.

Miscellaneous data relating to the Civil War may be found in *Up And Down California In 1860-1864: The Journal of William H. Brewer* (Yale University Press, 1930), edited by Francis P. Farquhar. Five chapters of William B. Rice's *The Los Angeles Star, 1851-1864* (University of California Press, 1947), edited by John W. Caughey, deal with the Civil War years as they affected that newspaper. Chapter six of Leo J. Friis's *The History of Royal Arch Masonry In California* (Anaheim, 1948) relates how the war influenced various chapters of this fraternal order.

In addition to the published reminiscences of Asbury Harpending, previously mentioned, some data may be found in other such books, but they should be carefully scrutinized. James J. Ayers in his *Gold and Sunshine: Reminiscences of Early California* (Boston, 1922) has a chapter on the Civil War and one on the war governors. Amelia R. Neville in her *The Fantastic City* (Boston, 1932) devotes a chapter to Civil War days in San Francisco and Major Horace Bell in his *On The Old West Coast* (New York, 1930), edited by Lanier Bartlett, has a chapter entitled "Los Angeles During the Civil War."

On occasion popular articles relating to California and the Civil War have appeared in the *Grizzly Bear*, *Pony Express Courier*, and *Westways*. Recent issues of the journals of local historical societies have had articles about the Civil War. For example, the *San Diego Historical Quarterly*, VII (April, 1961), devoted its entire issue to the Civil War with articles by George Ruhlen, Bill Virden, and Jerry MacMullen.

ARCHIVAL AND MANUSCRIPT SOURCES

The best archival materials for California during the Civil War are located in the California State Archives at Sacramento and in the National Archives at Washington, D.C. Few historians have used these sources, except for those items which have been published or microfilmed.

In the Secretary of State record group of the State Archives are found many legislative papers (bills, petitions, and legislative material) and messages and reports to the governor which relate to the Civil War. For example, in the drawers containing petitions to the legislature there is one from citizens of San Mateo County, dated February 6, 1864, requesting proper equipment for the local home guard at Redwood City. A petition from Nevada County citizens of March 13, 1863, opposed the imposition of a tax to build the state capitol on grounds that it was not a war measure for defensive purposes!

Significant correspondence is found in the Military and National Guard files and among the letters received by the State Adjutant General. Also in the State Archives are several bound books relating to the California volunteers. For example, Book 10 is the *Register of California Volunteers* in the service of the United States from the President's call in 1861 to December 1, 1865. This volume gives the following data on the individual soldier: name, rank, company, regiment, arm of service, place of enlistment, time of mustering in, and remarks. Among other military records are the papers of the Civil War home guards where one may learn about the San Jose Zouaves, New Almaden Cavalry, and other local units.

At the Civil War Branch of the National Archives in Record Group 98 (Records of United States Army Commands) are numerous sources. As an aid to finding them there is a manuscript *Index of the Department of the Pacific* which covers various camps, forts, posts, barracks, and expeditions in California and elsewhere in the Far West. In addition to letters sent and received by the department this record group contains correspondence, post orders, and other data about units within the command. For example, Book 145 of Record Group 98 contained letters sent from September 17, 1863, to November 16, 1865, by the commanding officer of Camp Babbitt near Visalia.

Besides the above record group California materials are located in other classifications of army records. For example, in Record Group 110 (Records of the Provost Marshal General's Bureau, 1863-66) is a volume entitled *Descriptive List and Register of Men in the Department of the Pacific Who Have Served In The Rebel Army.* This list named and described fifty-five former Confederate soldiers. Among these was William M. Gwin, Jr., who had served as a private in the First Mississippi Cavalry until he was paroled in March, 1862.

In the Navy Branch of the National Archives may be found ship logs of the Pacific Squadron as well as the letters received by the Secretary of Navy from commanding officers of the squadron. Unfortunately, the log of the U.S.S. *Cyane* which participated in the capture of the *Chapman* privateer in 1863 is missing for that year before September and for 1862. Also in this branch are Mare Island Navy Yard records such as its log books and letters sent by its commandant to the Secretary of Navy. In the Fiscal Branch of the National Archives the abstract journals of the U.S. Revenue Cutter *Shubrick* reveals that vessel's important role in San Francisco harbor defense and her other wartime duties.

In the Manuscripts Division of the Library of Congress are the Thomas O. Selfridge papers which are a part of the Naval Historical Foundation Collection. Selfridge was commandant at Mare Island from 1862 to 1864 and his correspondence has considerable data on the wartime problems of the yard as well as materials about San Francisco harbor defense and the operations of the Pacific Squadron.

Among the manuscripts in the California Section of the State Library is the *Daily Journal, 1863,* kept by Delos J. Howe, an attorney at San Francisco, who later wrote for the *American Flag.* Howe was a keen observer and his journal made occasional references to the Civil War. Another manuscript in this depository worth mentioning is the typescript *Diary of Private Moses Patterson,* of Company I, First Regiment, California Cavalry, for the period December, 1863, to April, 1866.

Manuscripts pertaining to California and the Civil War are also located in the Bancroft Library, Huntington Library, and elsewhere.

CONCLUSION

Although California never enjoyed national fame for her role in the Civil War, many notables of the war such as John C. Frémont, Henry W. Halleck, Irvin McDowell, Henry M. Naglee, William T. Sherman, and even Pauline Cushman, the Union spy, had interesting California careers at one time. Much original research remains to be performed on the subject discussed in this article and infinite opportunities await the serious scholar whose purpose is not just to rework findings already published without contributing new data or revising interpretation.

Besides the suggested studies of the economic phases, many of the military and political aspects require further understanding. Moreover, a number of historical errors made in the past by several writers bear correction. This poses a serious problem because even when a historical error is corrected in a specialized monograph appearing in a scholarly historical journal, frequently the original error is still perpetuated by a popular writer who is often fallaciously publicized as an authority. The difficult solution is for the real historian to reach the popular audience. Let us hope that more interest in the subject might be stimulated during these Civil War Centennial years and that additional and more substantial historical narratives will lead us to an appropriate synthesis of California and the Civil War.

Note: The California State Library maintains a current union list showing complete world-wide newspaper holdings in all California libraries. It is, in effect, an expansion of the 1937 Gregory Union List.

Dan Showalter—California Secessionist

By CLARENCE C. CLENDENEN

IN MAY, 1861, California was far distant from the scene of the troubles that were besetting the national government in the East—so far distant that there was relatively little popular interest and almost no excitement. There was, nevertheless, a vociferous minority that would have been only too glad to see California join the Southern Confederacy, or secede from the Union and form a separate Pacific Republic. Partisan feeling was actually deep, despite the lack of widespread interest and excitement and the absence of many overt demonstrations like the duel in which Judge David S. Terry killed Senator David C. Broderick.

At the end of the month of May, the Twelfth Legislature of the State of California was nearing the end of its session. By far the greater part of its time and effort had been spent on local matters outside the realm of national politics, and consequently there had been few evidences on the floor of either house of the feeling that existed between the factions. On the few occasions upon which national issues had come before the legislature the supporters of the Union had shown a clear majority. For example, on February 2, 1861, early in the session, Assemblyman Charles W. Piercy, a Douglas Democrat from San Bernardino County, introduced a resolution: "*Resolved,* as the sense of this House, that the troubles existing in the Atlantic States are justly chargeable to the sectional differences advocated by the Republican party."[1]

Immediately a motion was made to table the resolution, but opponents of the motion, led by Assemblyman Dan (or Daniel) Showalter, an outspoken Douglas Democrat from Mariposa County, defeated it.

CLARENCE C. CLENDENEN, a retired Cavalry officer, received his B.S. from the United States Military Academy at West Point, his A.M. from Michigan State University, and his Ph.D. (history) from Stanford University. In addition to his military career (1920-1954), Colonel Clendenen has had a lengthy academic career, teaching at West Point, Michigan State, Stanford, and Menlo School and College.

Showalter, successful in forcing a vote on the resolution, then attempted to have the ayes and noes recorded, but in this he failed. The final vote on Piercy's resolution proved that the assembly positively did not concur in the idea that the Republican party was responsible for the troubles in the East.[2]

Dan Showalter, who aided Piercy's attempt to fasten the guilt for the nation's troubles on the Republican party, was a native of Pennsylvania. He had been in California since 1852, was a resident of Coulterville, and was serving his second term as a member of the legislature. Like most of the inhabitants of Mariposa County at that time, he was a miner. There is no known picture of him, but he has been described as a tall man, over six feet in height, with a flaming red beard and oddly contrasting black eyes.[3] The first few weeks of the Twelfth Legislature had been occupied with the exciting business of electing a United States senator, and Showalter's name had been put forward by his friends. He polled only a few scattered votes for the senatorship, but he was a strong candidate for the speakership of the assembly. Only after the seventy-third ballot did he have his name withdrawn from the contest. He was sufficiently popular and influential, however, to spend a considerable part of the session as speaker *pro-tem.* As a member of the assembly Dan Showalter was diligent in attendance and assiduous in the performance of all public duties during both of his terms, without taking a particularly conspicuous part on the floor.

As the end of May, 1861, approached, the weather was probably hot in Sacramento, and the members of the legislature were understandably anxious to get back to their private affairs. Tempers were undoubtedly somewhat frayed when, late in the afternoon of May 17, the assembly took up consideration of a joint resolution which had been passed and submitted by the senate:

> *Resolved,* by the Senate, the Assembly concurring, That the people of California are devoted to the Constitution and Union of the United States, and will not fail in fidelity and fealty to that Constitution and Union now in the hour of trial and peril: that California is ready to maintain the rights and honor of the National Government at home and abroad, and at all times to respond to any request that may be made upon her to defend the Republic against foreign and domestic foes.[4]

Under the rules in effect in the assembly there could be no debate upon such a resolution—only a vote. In spite of the rules, nevertheless, the first member called on to record his vote, Assemblyman Fleming Amyx, of Tuolumne, demanded permission to explain why he would vote against the resolution. Permission was denied, but the second member to vote, A. W. Blair, of Monterey, likewise demanded leave to explain his vote. There were objections, but still practically every member who was opposed to the resolution attempted to get in a few words explaining his position. Thus the voting went, going steadily in favor of the resolution, until near the end of the vote, when it became the turn of Dan Showalter to stand and cast his vote.

"Mr. Speaker," he said, as he arose, "I ask leave to explain my vote, and I want to see the gentleman that will rise and object."

Piercy rose. "I make the objection. Mr. Blair asked leave to explain his vote and was refused. If it is just to refuse in one instance it is in another, and I do most emphatically object now to the gentleman from Mariposa explaining his vote."

Showalter replied, "I have only to say that no man ever yet heard me object to any gentleman explaining his vote. [Piercy attempted to interrupt, but Showalter ignored him.] It is a right which I have always maintained, and I have nothing but contempt for any gentleman who does object." Thereupon he voted "emphatically no."

The final result was overwhelmingly in favor of the resolution, the vote being 49 to 12.

The Southern sympathizers were thoroughly ruffled. Assemblyman Thomas Laspeyre, of San Joaquin, who had consistently followed Showalter's lead throughout the session, took the floor "to thank all the members who voted to allow me to explain my vote—who had courtesy enough to allow members to explain their votes upon an important question like this, when there was no lack of time. . . . And at the same time I rise to express my supreme contempt for all those who objected to it."

In the tense atmosphere and with the frontier tradition of personal violence, such words could have been tinder in a keg of powder—especially as it was the second time within a few minutes that almost identical terms had been used. Laspeyre, however, mollified the only member who seemed disposed to accept the challenge. But Piercy, nettled by Showalter's obvious reference to himself, rose to a question of privilege, saying, "I regret exceedingly that the gentleman from Mariposa has seen fit to use the language he has. . . . I would ask him now, as an honorable gentleman, whether he wishes to make any explanation."

Showalter replied curtly, "I have nothing to retract," whereupon Piercy angrily said, "Then I hurl it back in his teeth, and with all the contempt that language can express; and I have not language strong enough to express it."

As mentioned earlier, both Showalter and Piercy were Douglas Democrats, and the record shows that they had usually voted alike on most of the measures before the assembly. There are indications, indeed, that their views on national questions were not far removed from each other. The rift between them now, however, was deep. On May 20, three days later, Piercy again rose to a question of privilege. In view of the cordial relations that had always existed between himself and the gentleman from Mariposa, he now asked whether the words that gentleman had uttered were intended as a personal insult.

Dan Showalter was not conciliatory in the least. He referred to a statement he had made on May 18, in which he said that he had been misquoted in the Sacramento *Union*, and that he had merely wanted any objector to stand up and identify himself. "The language was plain," he said, "and was not susceptible of two constructions."

From the perspective of nearly a century later, the whole affair seems trivial, but it was not trivial to the participants. A gentleman's honor was a very touchy matter in the California of 1861. At some time in the next few days Piercy formally challenged Showalter to a duel, and under the accepted code of the time there could be only one outcome. The duel must be fought. Dueling was against the laws of the state, but the laws were not supported by public opinion, and duels were fairly commonplace. Friends of the two parties met in Sacramento and arranged that the meeting would take place on May 25, either in Marin or San Mateo County. The weapons were to be rifles, each man to choose the kind he liked best. The distance agreed upon was forty yards.

The place finally selected was in Marin County, about eight miles west of San Rafael. The date was changed to May 26, a Sunday, and Showalter and his friends arrived at the rendezvous at eleven o'clock. (Showalter's second was Laspeyre.) Piercy and his party were already there, well hidden in the brush. Before arrangements could be completed the Sheriff suddenly appeared with warrants for the arrest of both principals. Piercy was still concealed, but the Sheriff haled Showalter to San Rafael, where he was promptly released by County Judge Frink, since the county attorney who had sworn out the complaint was not present in court to substantiate his charges.

Piercy and the other members of the dueling party, meanwhile, had gone to the Fairfax Ranch, a short distance west of the town. Upon Showalter's arrival, and after everybody had taken some refreshment, the group proceeded to a secluded place on the ranch. Showalter won the choice of position, and upon the word of the referee, Colonel Thomas Hayes of San Francisco, the principals fired. Neither was hit on the first fire, although Showalter felt the wind from Piercy's shot. Showalter exclaimed loudly, "Load the weapons again." Since he was the challenged party, under the code it was his privilege to demand a second shot.

On the second fire Piercy started, threw back his head, and dropped heavily to the ground. Shot through the mouth, in spite of the efforts of the surgeon, he was dead within three minutes.

So ended the last of the notable duels of California history. Because the quarrel leading to the tragedy originated during the vote on a resolution of loyalty to the Union, and because Piercy voted for the resolution while Showalter voted against it, legend immediately caused Piercy to become a martyr to the Union and the cause of antislavery. One historian commented, "As in the Broderick and Terry duel and also in that of Johnston and Ferguson, it was the anti-slavery man that was killed."[5] Another state historian has said, "This was the last of the political duels in California, and as in all others the pro-slavery man was victorious."[6]

It is highly doubtful, however, that Piercy was particularly antislavery in his sentiments, and his resolution accusing the Republican party of being responsible for the national crisis does not argue any deep devotion to the policies of Lincoln's administration. The quarrel that led to the duel was clearly personal, in spite of its political background, and grew out of Piercy's hot-headed resentment at Showalter's truculent and tactless remarks. Dan Showalter, far from being the aggressor in the duel, was the challenged party, and Piercy's action in keeping the quarrel alive led to his own death.

For several months after Piercy's death Showalter dropped from the sight of history. He was at Carson City during part of this time, but there is nothing to show whether he was deliberately hiding, or merely remaining inconspicuous in a place where the writs of California could not run.[7] Whether or not he had ever been a red-hot partisan of the South, that role was now forced upon him, and he was a marked man in California.

During the several months following the duel events moved fast. The people of California had it forced upon them that the war in the East actually involved the entire nation. The Governor of California was unexpectedly called upon to furnish a contingent of volunteers, initially to relieve the Regular Army in safeguarding the Overland Trail, and eventually to move to recover the Southwest from the Confederate invaders who had taken possession during the summer. Although the majority of the population of the state were Union sympathizers, there was a vociferous minority of pro-Confederates, and southern California was known to be a hotbed of Southern sympathy. It was widely believed (and may have been true) that there were subversive organizations secretly prepared to seize the state at the first favorable opportunity. In an atmosphere of such suspicion it was undoubtedly feared that Dan Showalter might become a focus for the disloyal. While the Union intelligence services, in the fall of 1861, had not yet attained the efficiency they later achieved, numerous hints between the lines in the *Official Records* suggest strongly that an attempt was made to keep Showalter under surveillance—a fact of which he was probably unaware.

Early in November, 1861, Jonathan T. Warner (the owner of Warner's Ranch, and better known as J. J. Warner) wrote a brief note to Colonel James H. Carleton, who commanded the California volunteers in southern California, informing him that there was a party of twenty-eight men at El Monte, a few miles from Los Angeles, awaiting Showalter's arrival.[8] This confirmed a report forwarded on October 28 by Major Edwin A. Rigg from Camp Wright, near San Diego, that a party was being formed at El Monte to go to Texas via Fort Yuma.[9]

Carleton was deeply interested in Showalter's movements, and was obviously not entirely ignorant of them. On the same day on which Warner wrote to him, and before he could possibly have received Warner's note, he wrote both to Rigg, and to Major Edward E. Eyre, at San Bernardino, directing that both Showalter and Judge David S. Terry (in the event of their capture) must be made to take the oath of allegiance to the Union. If they refused, they were to be held. "There are plotters all about us, without a doubt."[10]

On the same day, November 4, 1861, Louisiana-born Lieutenant Colonel Joseph R. West sent a despatch from Fort Yuma to Carleton with some letters captured from a messenger on the road. They were sufficiently important to cause West to send them by a special express for Carleton's examination. Unfortunately the letters have not been preserved, but it appears that they had to do with Showalter's movements.[11]

Unknown to Showalter himself, in all probability, the net was beginning to close about him. On November 5 Carleton sent a positive order to West:

> . . . Mr. Showalter with a party of Texans from El Monte will attempt to cross the desert; so, too, doubtless, Judge Terry. Give me a good account of these two men. . . . The time has gone by when matters are to be minced . . . with such open and avowed traitors.

Carleton closed his instructions with a broad hint that if West found some good excuse for hanging Showalter and Terry, there would be no mourning.[12]

Almost a week later, on November 11, Jonathan T. Warner again wrote briefly to Carleton, saying that a party of about twenty men had just left Los Angeles en route for Texas, and that "Showalter is now in this city."[13] A few days later the United States Marshal informed Carleton that Showalter's party had left the vicinity, and were planning to travel by way of the Mojave River and Mojave Crossings.[14] It is not clear why Showalter was not seized while he was in Los Angeles. Probably the information did not reach Carleton in time for him to act upon it, but this is pure speculation.

Dan Showalter and his party had disappeared, meanwhile, and the search was on. Major Rigg, at Camp Wright, an old acquaintance of Showalter, was leaving no stone unturned. On November 27 a strong cavalry patrol under the command of Second Lieutenant Chauncey R. Wellman made a lengthy and fruitless search through the hills along the party's anticipated route. But while Wellman was absent from Camp Wright additional information came in, and Wellman and his tired troopers again took the road, on the same day. Late in the afternoon of the following day the patrol encountered and captured a man named Hamilton, who claimed to be searching for a stolen horse. Hamilton, however, had in his possession a note that struck Wellman as being suspicious. (Unfortunately the note has been lost.) Consequently, Wellman continued, and at Temecula obtained information that a party of sixteen men had been there the preceding night, but had left that morning for parts unknown. The party's trail was picked up without difficulty and was followed past Winter's Ranch.

Making a "dry" bivouac for the night, Wellman again took up the chase early the next morning, November 29, 1861. He did not have to go far, for Showalter's party had also bivouacked for the night on Winter's Ranch. At eight-thirty, before they had finished breaking camp, they suddenly found themselves staring at the ugly muzzles of Wellman's carbines. Completely surprised, the party was totally unprepared for a fight.

The two forces were almost evenly matched, for Wellman's patrol consisted of eighteen men, while Showalter's men totalled sixteen. Leaving his men in readiness, Wellman rode forward for a parley. The members of the Showalter group loudly protested that they were peaceful miners, going about their own lawful business. They were going to Sonora to prospect there and were taking a roundabout route to avoid any trouble or friction with the government authorities. Wellman demanded that they accompany him to the camp at Oak Grove (Camp Wright). Most of them agreed, but Showalter and two or three others demurred and showed a readiness to fight. Wellman agreed, upon their demand, that they would be released promptly if there was no evidence against them. After some argument, Showalter agreed to abide by the decision of the majority. His decision may have been influenced by the fortuitous arrival of a strong detachment from Company D, First California Volunteer Infantry, so that the party was hopelessly outnumbered.[15]

Late that night the captors and prisoners (who had not been disarmed) arrived at Camp Wright. The temporary camp commander was

Captain Hugh A. Gorley, First California Volunteer Infantry, of San Francisco. He and Showalter stared hard at each other, and

> He [Showalter] began his conversation by saying that my name was familiar to him. I replied that his name was familiar also, as there were families by his name in my native county in Pennsylvania. Our conversation brought out the fact that he was from my native village, and he knew me, as he said, as a "tow-headed boy," while I remembered him as a young man going to school at Madison College.[16]

Unfortunately for themselves, the members of the party were unable to convince the Union authorities that they were nothing more than peaceful miners. On December 9, 1861, Brigadier General George Wright, the department commander, issued positive orders that the Showalter group was to be held and securely guarded until further orders. The necessity for guarding them strongly received emphasis when Major Rigg reported receiving information, on December 4, that an attempt to release them by force would be made. Further, on December 9, Captain Emil Fritz, of the First California Volunteer Cavalry, reported a rumor, which he believed to be true, that an oath-bound band of seventy-five men was being assembled at El Monte for the express purpose of rescuing Showalter and his companions. Fritz's informant was Clarence E. Bennett, a West Point graduate, who was engaged in farming near San Bernardino.[17]

The suspicion of the Federal authorities was heightened by the fact that except for Showalter himself and two others, every man of the party was a native of the South. Every man, moreover, was equipped with a rifle and two revolvers, and there was a notable lack of the tools and implements that a party of miners would be reasonably expected to carry.

Without exception, all members of the party said that they were perfectly willing to take an oath of allegiance to the Union, and to give a statement regarding himself and his purpose in attempting to leave California. Showalter's own statement is fairly typical of those made by everyone:

> I was born in Greene County, Pa.; came to California in 1852; have lived the greater portion of the time in Mariposa County; my occupation is that of a miner; started for Sonora from Virginia City about one month since; intended going to some mines in Los Alamos, Sonora, and if opportunity offered, to go through to Texas or Missouri, if I did not like Sonora; had no organized party whatever;

started from Virginia City with a man by the name of Gilbert; was joined by Crowell at Aurora; Gilbert stopped at Mariposa; taking the trail from Temecula was very much against my wish; a majority of the party were in favor of it, and I acceded to it; am perfectly willing to take the oath of allegiance; am thirty years of age.[18]

Within a few days Major Rigg and the post adjutant devised and administered an iron-clad oath of allegiance to each and every member of the party. Without doubt Showalter and his companions expected to be released at once after taking the oath, but Rigg would not let them go without authority from higher up, and as has been noted, the department commander decided to hold them. Consequently, in spite of taking the oath, a month later they were on their way to Fort Yuma, under heavy guard. In command of the guard was Showalter's old friend, Captain Hugh A. Gorley. Gorley did not let memories of old times in Pennsylvania interfere with his duties, and the prisoners and their escort finally arrived at Fort Yuma after a difficult and disagreeable march across the Mojave Desert. Once at Fort Yuma the prisoners were treated exactly as garrison prisoners, and promptly put to work (under guard) strengthening the defenses of the post.[19]

As a place for confining suspected rebels, Fort Yuma had certain undeniable advantages. The surrounding desert made any attempt at escape almost hopeless. Fugitives would stand little chance of being able to pass through Arizona on their way eastward because of the prowling bands of Apaches. The isolation of the post made it improbable that any writ of *habeas corpus* or other civil process could reach the place without ample warning in advance. To make certain, however, that the captives were not released through interference by the civil courts, Colonel Carleton sent a brief order to Lieutenant Colonel West directing him to disregard any writ that might happen to be brought across the desert.[20]

The prisoners were held at Fort Yuma for several months. In April, 1862, the commander at Fort Yuma was directed to exact an additional oath of allegiance from each man, and shortly after this, the department commander ordered the release of the entire group.

With his release from confinement, Dan Showalter again dropped from sight. In February, 1863, Major David Fergusson, of the First California Volunteer Cavalry, while on a confidential mission in Mexico, obtained information that Showalter and several others had passed through Chihuahua two months previously. In December of the same year the Carson City *Daily Independent* published a letter from "Henry Carter (Formerly of Jamestown, California, and now First Lieutenant, Twenty-eighth Alabama Regiment, CSA)," in which Carter said, among other items of news, "Dan Showalter, who killed Pearcy [*sic*] is now in Texas."[21]

The oath which Showalter had been made to take was designed expressly to prevent a man from joining the Confederacy. From the first Colonel Carleton was not optimistic that any oath would have the desired effect, for in his covering letter when he forwarded the signed copies of the oath to the department commander, he said, "I believe they would take any oath to get clear and cross to Arizona and Texas."[22] Dan Showalter may have had such a purpose in mind when he signed, or he may have believed that an oath exacted under duress is not binding. At any rate, he made his way through Mexico to Texas, where he was a total stranger. He was fortunate enough to encounter an acquaintance, Captain George L. Patrick, formerly of Tuolumne, now in the Confederate Army. Showalter enlisted at once in Patrick's company, and as a soldier in that company took part in the defense of Galveston, and was in the engagement at Sabine Pass, when the Confederates captured several Federal ships. His conduct in these fights brought him to the favorable attention of his military superiors, and shortly after he became Lieutenant Colonel Showalter. In command of a cavalry regiment, he saw active service in Indian Territory and along the Arkansas River. In January, 1864, his regiment was transferred from the Arkansas to southern Texas, probably because of the threat caused by the recent Federal capture of Brownsville.[23] Scattered items in the *Official Records* indicate that Showalter's regiment was almost constantly on the move during the early months of 1864, but the information is so fragmentary that it is impossible to form a coherent picture of his actions and activities. In late June, under the command of Colonel John S. Ford, he was in combat against the Federals at an unspecified place, probably near Edinburg, Texas. Colonel Ford, in his report, twice mentioned Colonel Showalter's gallant conduct during the battle.[24]

Most of the information about him during this period has been preserved in a curious way. Upon Showalter's arrivel at San Antonio from the Arkansas, he received a message through Mrs. David S. Terry, wife of the noted duelist who killed Senator Broderick. The message was from Miss Anna Forman, daughter of the former postmaster at Sacramento, and now the commanding officer of the Fourth California Volunteer Infantry. Showalter replied at once, writing to Anna on February 8. On April 3, 1864, a patrol of California volunteers, near Presidio, Texas, killed a Captain Henry Skillman, of the Confederate Army, who was unflatteringly described by Carleton (now a brigadier general) as a "notorious spy." Skillman was a former stage driver, whose knowledge of desert craft and familiarity with the country made him invaluable as a messenger and courier. Among the papers found in his possession was Dan Showalter's letter. It makes strange reading among the dry, factual reports and correspondence of the *Official Records*, for it is a letter written by a young man who was very much in love. After telling of his experiences of the last few months, Showalter concluded by saying that "if I had only twenty years to live, I would give up ten years of that time to see you and talk with you one hour. I may survive this war. If so, we may meet again; but if I should fall, you will have the last kind thought, the last fervent prayer of your devoted friend, Dan Showalter."[25]

Despite his northern birth, Showalter was as fanatical a Confederate as any native Southerner could be. "I am proud to fight, and if necessary, die, with a people who have contended so gallantly for their liberties against such fearful odds. If you could see them as I have . . . you would say with me . . . they are deserving [of their liberty] and can never be conquered." Showalter was convinced that the South would be able to continue the war for years, and rather than yield to the North, the South would "lay waste every field, burn every dwelling, and leave to the invaders no mark of civilization save the ruins of once happy homes, the deserted fields, and the mangled bodies of the slain."[26]

The self-exiled Confederates from California apparently never ceased to hope that their state could be brought into the Confederacy, or at least would contribute heavily in man power. A great deal of wishful thinking convinced many that in California lay a great reservoir of recruits to add to the strength of the Confederate armies—a reservoir that could be tapped without too great an effort. This hopeful belief was confirmed by the report of a Confederate spy who spent several months in California and Nevada in the summer and early autumn of 1864. The spy, Captain H. Kennedy, reported optimistically on his return to the Confederacy that he found "many true Southern men willing to enlist. . . ." His rosy view of the situation survived even a very hasty departure to avoid capture by the Federal authorities, who had become aware of his presence in California.[27] Even before Kennedy made his adventurous journey to California, a well-known pioneer, Judge Lansford Hastings, visited Richmond and sought an interview with the Confederate President to promote a scheme for obtaining men in California. On February 4, 1864, the Confederate Secretary of War wrote to General E. Kirby Smith, who was in command of Confederate forces west of the Mississippi, informing him that Hastings had been commissioned as a major, and was specifically authorized to raise a force in Arizona, with California as the ultimate objective. Kirby Smith was permitted to export cotton to Mexico for the purpose of raising from ten to twelve thousand dollars in specie to finance Hastings' expedition. The Secretary of War, incidentally, was very doubtful as to Hastings' military qualifications, and suggested the advisability of including Judge David S. Terry as a member of the expedition.[28]

Hastings' scheme was abortive, but there were plenty of hopeful enthusiasts ready to take his place. A Colonel Henry Beaumont wrote to Richmond, urging that he and his brother be authorized to organize an expedition to Arizona and California. Colonel John R. Baylor, who had led the initial Confederate force into New Mexico and Arizona, and who was the Confederate "Territorial Governor of Arizona," wrote to the Secretary of War, stating that a force of about 2,500 men would be able to recover Arizona, and would immediately make available for the Confederacy from 15,000 to 20,000 men from California. Baylor based these figures on estimates given him by Judge Terry and Colonel Dan Showalter.[29] The Secretary of War had no resources available for such an expedition. Jefferson Davis approved the scheme "in principle," but could do no more than direct that Colonel Baylor be consulted further.

As for Dan Showalter, his hopes still lively, and his illusions as to Confederate sympathy on the Pacific Coast undimmed, he proceeded independently of Baylor in an attempt to gain authorization for an invasion of California. On February 14, 1864, within a few days after he had written his impassioned letter to Anna Forman, he was the first signer (and probably the instigator) of a letter addressed to General Kirby Smith:

> We propose to take one hundred men under the command of Lieut. Col. Dan Showalter, traveling in detachments of twenty-five men through Mexico, for the ostensible purpose of visiting the late rich gold discovery made in the Territory of Arizona—concentrate our forces at Tucson (at which point a large supply depot has been established, guarded by about one hundred men, from the best information we can get) take that place, and move directly forward to the gold mines between the headwaters of the Salinas and Gila rivers where we are assured that our numbers will be augmented to at least five hundred men, and perhaps many more—thence we march directly on Ft. Yuma, destroy that point and open communication with Southern California, from whence a sufficient number of men can be drawn to sweep the entire Territories east and establish beyond cavil the claim of the Southern Confederacy to the country....
>
> Yours very respectfully, etc.,
> Lt. Col. Dan Showalter[30]
> [and thirteen other signers].

The signers gave a "solemn pledge" of their lives for the success of the undertaking. In their hopeful enthusiasm they overlooked the inconsistency of their claim that they would be joined by large numbers of men in Arizona, with an earlier statement in their letter—that "few Arizonians and New Mexicans . . . have survived the exigencies of the service." They also ignored, or were ignorant of, the ruthless thoroughness with which Carleton's California volunteers had purged Arizona of suspected Confederate sympathizers.

With the Confederacy being bled to death on the battlefields east of the Mississippi, and with the economic resources of the South crumbling away day by day, the higher Confederate authorities could not give too much attention to such a scheme, alluring as it seemed. The twenty thousand dollars in specie which the expedition was estimated to require were utterly beyond the ability of the Confederate treasury to supply. As noted earlier, Jefferson Davis favored such a scheme in principle, but further than that he could not go. The total and final collapse of the Confederacy in April, 1865, put an end to all hopes of adding the Southwest to the Confederacy, or of augmenting the Confederate armies by large numbers of men from California.

Immediately after the surrender of General Kirby Smith's army in Texas, there was an exodus of fanatical die-hards and all others who, for any reason, did not care to submit to the Union. Among those who chose to cross the border was Dan Showalter. He traveled in a party with Judge Granville Oury, formerly of Tucson, and with a spirit kindred to himself, Judge David S. Terry. Shortly before crossing the Rio Grande Showalter was hurt by a fall from his horse and was forced to ride in a vehicle for the rest of the journey. His crippled condition aroused the motherly compassion of Mrs. Oury, and she recorded in her diary that her husband took food, which she had prepared, "over to Col. Showalter, who is badly crippled . . . and is suffering greatly."[31] When Showalter was able to hobble about on crutches, he visited the Ourys' camp frequently. During the next month he endeared himself to Mrs. Oury, and it was with deep regret that she saw him leave the party at Parras, proposing to go to Durango, and thence to Mazatlán. "We will miss him greatly, he is very sociable, spent most of his time with us, is a constant talker and very entertaining." In addition, his evident familiarity with the part of Mexico through which the exiles were traveling added much interest to the journey.[32]

The Ourys expected Showalter to rejoin their party at Guaymas, but apparently he did not do so. Instead, he seems to have remained at Mazatlán. Years later, on October 9, 1881, Mrs. Oury made, as her final entry in her diary, the remark, "Colonel Showalter settled in Guaymas or Mazatlan and was killed by young Mr. Kavanaugh soon after, in self defense. The Colonel had many noble qualities, but fell a victim to his passion for whiskey."[33]

A little more detail as to his death appeared in a frontier newspaper, the *Reese River Reveille,* on March 2, 1866:

> By a late arrival from Mazatlan it is learned that Dan Showalter died from the effects of a bullet wound received from the bar tender of his hotel at the Presidio of Mazatlan, while engaged in smashing the furniture of the house during a drunken spree. The bar-tender remonstrated with him, telling him that it was not treating his partner right to thus destroy their common property, to which Showalter replied that he was a gentleman.
>
> "You are not acting like one," said the bar-tender.
>
> Showalter then drew a knife and slapped the face of the latter with it to provoke a fight. The latter drew a pistol and shot him, shattering his right arm. Lock jaw ensued, causing his death.[34]

No one could contend that Dan Showalter, from the perspective of nearly a century after his lifetime, was an important figure in California history. During his life and career, however, he attained a degree of importance as embodying and symbolizing the spirit of opposition to the Union that affected a considerable fraction of the population of the state. In his violence, moreover, he epitomized the wild spirit of the frontier in his times. His career offers a curious and close parallel to that of his friend, Judge David S. Terry. Each killed a man in a duel, and their victims became, in popular view, martyrs to the cause of the Union. Each served in the Confederate Army in Texas, both fled to Mexico rather than submit to the Union, and both met violent deaths. The personal information about Dan Showalter is so fragmentary and sketchy that it is difficult to evaluate him and form a picture of his personality. There can be no question that he possessed qualities of leadership and personal courage in a high degree. His education was above the average for his time and the places where he lived. Affable and sociable with those whom he liked, he was ultimately the victim of inner forces at which one can only guess. His devotion to the cause of the South was passionate and sincere, and its causes can be only surmised, in view of his northern birth and upbringing. One can summarize only by saying that Dan Showalter, Confederate colonel from California, was a fascinating and baffling character, who probably deserved a better fate than a sordid death in a barroom in Mexico.

NOTES

1. *Journal of the Assembly of California,* 12 Sess., p. 194.

2. *Ibid.*

3. *Official Records of the Union and Confederate Armies in the War of the Rebellion,* Series I, Vol. 50, Part 1, p. 38. Referred to hereafter as *OR*. The information as to Showalter's appearance was obtained from Mr. Arthur Woodward.

4. Sacramento *Union,* May 18, 1861. All details and quotations of the quarrel and duel between Showalter and Piercy are taken from this source.

5. Theodore H. Hittell, *History of California* (4 vols., San Francisco, 1898), IV, p. 279.

6. Zoeth Skinner Eldridge, *History of California* (4 vols., New York, nd), IV, p. 194.

7. *OR*, Series I, Vol. 34, Part 1, p. 1054.

8. *Ibid.*, Vol. 50, Part 1, p. 698.

9. *Ibid.*, p. 685.

10. *Ibid.*, pp. 699-700.

11. *Ibid.*

12. *Ibid.*

13. *Ibid.*, p. 717.

14. *Ibid.*, p. 738.

15. *Ibid.*, pp. 42-43.

16. Hugh A. Gorley, *The Loyal Californians of 1861; a Paper Prepared and Read Before the California Commandery of the Military Order of the Loyal Legion of the United States, January 31, 1893* (San Francisco, nd), p. 12. James Hadden, *A History of Uniontown* [Pa.] (Akron, Ohio, 1913), pp. 505, 604.

17. *OR*, Series I, Vol. 50, Part 1, pp. 759-760.

18. *Ibid.*, p. 38.

19. Gorley, *The Loyal Californians of 1861*, p. 14.

20. *OR*, Series I, Vol. 50, Part 1, p. 781.

21. Carson City *Daily Independent*, December 5, 1863. In the History Room of the Wells Fargo Bank, San Francisco.

22. *OR*, Series I. Vol. 50, Part 1, p. 763.

23. *Ibid.*, pp. 1079-1080.

24. *Ibid.*, Series I, Vol. 34, Part 1, pp. 1054-1056.

25. *Ibid.*

26. *Ibid.*

27. *Ibid.*, Series I, Vol. 53, pp. 1044-1046.

28. *Ibid.*, Series I, Vol. 41, Part 1, pp. 1009-1011.

29. *Ibid.*, Series IV, Vol. 3, p. 960.

30. Colonel C. C. Smith, U.S. Army, Ret., "Some Unpublished History of the Southwest," *Arizona Historical Review*, IV (July, 1931), pp. 32-33. The letter cited was in Colonel Smith's possession. He was a grandson of Mrs. Oury.

31. *Ibid.* (October, 1931), p. 54.

32. *Ibid.* (April, 1932), p. 65.

33. *Ibid.*, VI (January, 1935), p. 62.

34. Austin, Nevada, *The Reese River Reveille*, March 2, 1866.

Southern and Northern Methodism in Civil War California

By Barbara McClung MacVicar

Because of its newly acquired statehood, its geographical isolation, and its large minority of Confederate sympathizers, California during the Civil War presents an interesting field of study.[1] One aspect of the social and political scene which seems to have been largely ignored is the situation caused by the presence of both branches of Methodism actively at work within its borders—the Methodist Episcopal Church and the Methodist Episcopal Church, South. While not unique in harboring both churches, California was the only Union state in which each branch had begun missionary work almost simultaneously. The proximity in California of both churches, separated since 1844 over the same question of slavery which later divided the nation, arouses curiosity regarding both the position of the Southern church and the relationship between the Northern and Southern clergy, whose purposes, doctrines, and disciplines were virtually identical.[2]

The purpose of this paper is to investigate the nature of Methodist relationships from their high point in 1856 through the Civil War and to determine the status of Southern Methodism in California during the difficult years. For clarity, the word "north" will be attached to the Methodist Episcopal Church, although it was never done so officially. Also, in addition to contacts between the churches as recorded in official church histories and conference minutes, any political activity on the part of Methodist clergymen has been included, since it would necessarily affect inter-church relationships.

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Indeed, from the time the first missionaries with specific authority from the mother churches arrived—the Northerners in the fall of 1849 and the Southerners in the spring of 1850—the tensions between North and South on the national level were felt in the microcosm of California Methodism.[3] William Taylor, a prominent Northern missionary of the early years, expressed considerable doubt over the desirability of dividing Methodism in California, in spite of the great need for preachers and the large field for missionary work.

> If the Lord has sent these men here . . . I pray that He may open their way for harmonious action with other Churches; . . . if the Lord has not sent them here, I hope He will send them back where they came from, and the sooner the better.[5]

John C. Simmons, on the other hand, indicated the sentiment of the Southern missionaries as one who was on the scene from 1852. "For years we had to fight our way in whatever community we endeavored to establish our Church," wrote Simmons, "the name—Methodist Episcopal Church, South . . . meant not only sectionalism, but slavery."[6] Statistical evidence largely belies this statement—the Southerners found a great deal of ready sympathy in actuality—but the distrust on both sides is evident.[7]

While the clergy of both churches tried to resolve their differences as men of God in order to expedite His work in a territory obviously in need of it, cordiality became increasingly difficult, and the political flavor the question had assumed during the 1850's added to tensions. The preachers of the Northern Church became identified with the Republican party, while the Southern Methodists, although avowedly eschewing political partisanship, became as firmly linked with the Democrats.[8] Naturally enough, the Church, South was strongest in the areas of the most intense pro-Confederate sympathy. Charles V. Anthony, official historian for the Northern Church in California, cites examples of the many hardships encountered by members of his clergy in trying to establish churches in such towns as Sonora, Benicia, Mariposa, and Watsonville, and, in general, rural agricultural and mining areas.[9] Conversely, the Southerners enjoyed their greatest successes in these same areas, partly because of their penchant for camp meetings as a proselyting device, to be sure, but also because of the political temper of rural California.[10] The geographical distribution of the Confederate sympathizers in California can be shown simply in listing some of the newspapers which were denied the mails by military order in 1862: the Placerville *Mountain Democrat,* the Stockton *Argus,* the San Jose *Tribune,* the Visalia *Post,* and the Visalia *Equal Rights Expositor.*[11] The Dutch Flat *Enquirer* and the Marysville *Express* were also notoriously anti-administration. Thus several of the men who came to California in the name of Methodism between 1850 and 1856 were to figure fairly prominently in the political as well as the religious development of the state; among these were such men as Martin C. Briggs and Eleazar Thomas of the Northern Church and Oscar Penn Fitzgerald of the Church, South.[12]

Although the evidence indicates mutual suspicion from the start among the branches of Methodism, the years after 1850 saw considerable inter-church activity, culminating in a serious attempt to arrive at an amicable working agreement in 1856.[13] When the Pacific Conference of the Church, South assembled in November of that year with Bishop Hubert H. Kavanaugh of Kentucky presiding, a delegation headed by Eleazar Thomas, one of the leaders of the California Conference of the Northern Church, was immediately introduced, and announced itself ready to confer with a similar committee.[14] According to the report issuing from the ensuing meetings, the Northern Church offered to "receive and recognize such members of the . . . [Church, South] as may offer themselves . . . in the same grade and standing as they hold in the Pacific Conference."[15] The Southerners declined this proposition but presented two of their own: first, that each church request its respective general conference to re-establish the line of separation; secondly, that the Pacific Coast Conferences join to form a separate and independent organization of Methodism.[16] When both these proposals were rejected, the Southerners attempted to persuade their Northern colleagues to cultivate "more friendly relations between the two Churches" through (1) joint action of the conferences, (2) an "appeal to the preachers and congregations" from the presiding elders of both conferences, or (3) an address from the joint committee itself. The committee from the Church, North responded in turn to these suggestions: "We could not bind our Conference, not having been delegated to do such work."[17]

The uncompromising attitude of the Northern Church seems to show a desire on its part merely to incorporate its Southern brethren rather than to achieve a more friendly relationship. The Northern offer bespeaks considerable magnanimity nevertheless, considering that not four years earlier one of its leading preachers had been apprehensive over an alleged plot to make California a slave state.[18] The Southerners, for their part, indicated increasing discomfort over their presence in a free state following the failure of the joint committee to reach any agreement. During this same conference session a committee appointed to "define the position of the Church in California" reported:

> With these principles—that of preaching the pure Gospel of the Prince of Peace to men, irrespective of their political predilections or views—we claim the right to go into all the world.... We interfere with no civil government, we invade the rights of none.... Whenever our brethren of the North shall be disposed to unite with us upon this ... platform, we shall be most happy to greet them with the right hand of fellowship.[19]

Also, at the close of the session, the members resolved to ask the next general conference to drop the word "South" from the title of the church, so that it might not "be placed in a position of seeming antagonism to any other Church by a mere name."[20]

There seems to be a decline in formal inter-church contacts after the close of this annual conference. Although visitors from the Northern Church are recorded in the minutes of the Church, South for the sessions of 1857 and 1860, no prominent Northern preachers are among them, and no record of activity such as reciprocal church dedications was found.[21] Perhaps in addition to the failure of the joint committee of 1856 to reach a solution, the heightened animosity between the mother churches contributed to the estrangement. "It is not Methodism to affirm that slavery is a political matter with which the Church and pulpit have nothing to do," wrote an editor of the *Methodist Quarterly Review* in 1857. "When we say Methodism, we mean not the . . . Methodism of the South, the genuineness . . . [of which] is recognized by no Methodist body on earth, and in whose pulpits John Wesley would not be allowed to preach."[22]

The Southern Methodists in California were, however, still connected with cooperative Protestant movements, necessarily involving the Church, North. An account reported in the San Francisco *Bulletin* in June, 1860, of a Sabbath school convention of all Protestant denominations presents an interesting example of increasing asperity characterizing relations between California Methodists. Controversy between Oscar P. Fitzgerald of the Church, South and Samuel D. Simonds of the Northern Methodists appeared from the outset, but the major quarrel occurred over the nomination of a standing state committee for Sabbath schools. While presenting the nominees' names, Simonds changed the list to omit a Southern Methodist, and the convention voted to adopt the altered list. Absent during this maneuver, Fitzgerald moved for a reconsideration of the vote immediately upon his return to the convention hall. After some discussion his motion was voted upon, but defeated. Being then repeatedly ruled out of order in demanding the floor, Fitzgerald, with some heat, expressed surprise at "the want of courtesy in this matter." An offer by a Presbyterian to withdraw from the standing committee in favor of the Southerner ultimately saved the day, though objected to by Simonds, but not before Fitzgerald had registered "regret over the disrespect shown his Church"—"Chairman: 'No disrespect was intended;' Fitzgerald: 'I hope not.'" The convention adjourned on an amicable note despite its difficulties, however, with the singing of the hymn beginning "Blest Be the Tie that Binds."[23]

Ten months later the nation was at war. For Methodism in California the beginning of the Civil War signaled a complete break—no record of further contacts of a formal nature appears during the war years—and the initial reactions of each church were characteristic. The 1861 session of the California Conference of the Northern Church adopted with cheers a committee report which said in part:

> We deplore the necessity of war as we do the necessity of executing a felon. But the destroyers of free government and offenders against justice and liberty must be repulsed and punished whether robbers or rebels.[24]

The Annual Conference of the Church, South, on the other hand, reiterated its non-political stand as well as its determination to remain in California, cautioning its members to "avoid carefully exciting discussions and entangling associations," and to "cultivate peace with all men." The conference then predicted: "The hostility to us, . . . marked and intense as it is, has in all probability not yet reached a culminating point."[25]

Some dealings between the churches must have been unavoidable even though formal relations apparently ceased during the war. In Sacramento, for example, the largest Northern Methodist church was located on Sixth Street, while the Seventh Street Methodist Church was Southern. In San Francisco, an editing duel was carried on between Oscar P. Fitzgerald and the Southern *Pacific Methodist* and Eleazar Thomas and the Northern *California Christian Advocate* until the suspension of the Southern periodical for financial reasons in the fall of 1862.[26] Fitzgerald, however, wrote with warm affection about Thomas in later years: "The war drove us farther and still farther apart in opinion, but every time we met we grew closer to each other in personal attachment."[27] Other relationships among the preachers were perhaps less happy; in any case the Southern Church evidently avoided or was denied participation in cooperative Protestant endeavor. Newspaper reports of such affairs as Bible society conventions and a Sunday school convention include no Southern names.[28]

Members of the clergy of both churches engaged in political activities, however, which must have influenced mutual attitudes. On the national level, both branches of Methodism threw themselves wholeheartedly into the war effort. The Church, North was even commended by Lincoln in 1864: "God bless the Methodist Church, bless all the Churches, and blessed be God who, in this great trial, giveth us the Churches!"[29] The fervor of the Northerners is seen in the 1864 Report to the General Conference by the Committee on the State of the Country:

> A fearfully wicked rebellion, having no justification in its origin or continuance, and involving the crime of treason against the best of human governments and sin against God, is wasting the energies of the nation and destroying thousands of precious lives.... In such circumstances it becomes our duty as Christian ministers to do all in our power to sustain our government in this just cause of humanity and God.[30]

The Methodist Church, South was fully as active in its support of the Confederacy, and, as the largest Protestant denomination in the South, contributed no small amount of aid.[31]

In California, members of the Northern clergy entered the contest with an enthusiasm equalling that of the mother church. At the 1861 annual conference, a collection of $100.00 was taken up and presented to two military companies organized in Sacramento "with assurances of our continued sympathy and prayers."[32] At least one former Northern preacher, Charles Maclay of Santa Clara, served in the state legislature, introducing a bill in 1862 calling for "the just punishment of traitors and treason, and all aiders and abetters."[33] Both Nathan R. Peck and Martin C. Briggs, leading preachers of the Northern Church, acted as chaplains of the state assembly during the war years, and their prayers and sermons were noted in the Sacramento *Union* as "fervent and patriotic."[34] An excerpt from one of Dr. Peck's sermons illustrates the political purpose served by the pulpit: "I have seen this formidable defense of tyranny [i.e., the Confederacy] assaulted by the hosts of freedom. . . . I have said, let every muscle seize the implements of destruction, . . . let every power on earth and heaven be invoked to aid."[35] Northern Methodists were also active in the so-called "Christian Commission," organized late in the war for the purpose of "bringing the influences of evangelical religion to bear upon our Army and Navy," and Martin C. Briggs visited the Army of the Potomac as a delegate in the winter of 1864.[36] Indeed, Briggs was by far the most active Republican of the Church, North, as well as its most popular preacher throughout the war.[37] The Union (Republican) State Convention of 1864, meeting in the Sixth Street Northern Methodist Church in Sacramento, elected Briggs one of the delegates to the national convention in Baltimore, whereupon the Sacramento *Union* remarked: "A pioneer of California as well as Republicanism, the clerical delegate is distinguished for vigorous oratory and thorough devotion to the cause of the country."[38]

In spite of its non-partisan policy, the Southern Methodists of California also entered into political affairs, although they never approximated the intense patriotic activity of their Northern colleagues for obvious reasons. One unfortunate preacher, however, ran for the state assembly as a Breckenridge Democrat in 1862, but was publicly and severely reprimanded by the annual conference of the following year.[39] More significant, the Breckenridge Democratic State Convention of 1862 was held in the Seventh Street Southern Methodist Church in Sacramento. After adopting several "peace" resolutions, the convention nominated Oscar P. Fitzgerald as its candidate for State Superintendent of Public Instruction.[40] The minutes of subsequent annual conferences ignored both the use of the church for political purposes and Fitzgerald's campaign. Incidentally, although defeated, Fitzgerald polled over fifteen per cent of the vote cast—an indication, perhaps, that antagonism towards Southern Methodism was not as widespread as the church itself had feared.[41]

In fact, the hostility anticipated by the Church, South in 1861 resulted in only two recorded violent incidents, and even these appear to have been more in the nature of pranks than acts of violence. On the Fourth of July, 1861, a mob of enthusiastic Unionists succeeded in ringing the bell of a Southern Methodist church in Stockton over the frantic protests of its pastor, and, in a more serious incident at the war's end, the building of the Southern Methodist college in Vacaville was burned to the ground.[42] Threats of violence were undoubtedly more frequent. John C. Simmons, for example, wrote of being informed by the District Judge of Sonoma County shortly after Lincoln's assassination that there was a "strong talk" of destroying the Southern church in that town and of exiling Simmons. According to Simmons, he replied to the Judge that he had "no physical power" to resist, and continued: "But, sir, if you dare to touch God's house, or to harm a hair of my head, we will remand you to a higher Power who has promised to be our defense."[43] The Southern Church was not alone in receiving hostile treatment, however. According to the Sacramento *Union*, the house of a "loyal" minister in Petaluma was showered with rocks in July, 1864, and in the following month, also in Petaluma, a Northern Methodist preacher and others were "assailed with stones by concealed scoundrels" when leaving the church on the day proclaimed by President Lincoln for prayer.[44]

The war years took their toll in the membership rolls of both branches of California Methodism, but the Southerners suffered the greater attrition, both in numbers and in resources.[45] The complete isolation from the mother church caused acute problems as early as 1862, when the minutes of the annual conference of the Church, South record the sale of a church lot in San Francisco, the closing out of the Book Depository for lack of funds, and the suspension of publication of the *Pacific Methodist*, Fitzgerald's periodical.[46] The most serious difficulty encountered by the Southerners, however, was their failure to secure an episcopal visit for four years. According to the rules of the church, only an elder could administer the sacraments, and only a bishop could ordain an elder. The cutting of communication with the mother church precluded the visit of a Southern bishop, and by 1863 the lack of sufficient qualified elders in California precipitated a severe crisis. At the annual conference for that year, the Santa Rosa circuit presented a "Memorial" proposing that:

> As a matter of expediency in the present calamitous state of the country, we would modify our church relations and declare ourselves an independent organization on this coast, And that our young ministers might be ordained so as to administer the sacraments we would elect a Bishop from among ourselves.[47]

The Committee on the State of the Church, to whom the matter was referred for consideration, returned a lengthy opinion noting the desirability of such a measure:

> Our independence may become a necessity. Should the Southern States be subjugated a continued connection with the Church would hazzard [*sic*] our usefulness here. Should the Independence of the Southern Confederacy be acknowledged a separation from that Church might become expedient, perhaps necessary—and in view of these facts, could we now be set off as an Independent Church your Committee think it would tend to our prosperity and usefulness.[48]

Nevertheless, the committee rejected the proposition as too revolutionary and requiring a far greater majority favoring it than then existed. As an alternative, the committee recommended an intensified effort to persuade Bishop Hubert H. Kavanaugh of Kentucky, the only Southern bishop within Union territory at the time, to visit California.[49]

Bishop Kavanaugh consented to come, and, traveling by ship from New York via the Isthmus of Panama, arrived in San Francisco in the spring of 1864 to undertake the sorely needed episcopal duties.[50] As it happened, the Bishop's arrival coincided with a period of increased agitation on the part of pro-Confederacy Californians. During the summer of 1864 military arrests of several of the more vocal anti-administration men evoked endless comment in the newspapers. Letters to the editor of the Sacramento *Union* abound from July to September protesting or approving these arrests.[51] In a message to military headquarters in Washington, D.C., the commander of the Department of the Pacific, Major General Irvin McDowell, expressed concern over the situation in California, even mentioning the possibility of an armed insurrection by some of the more disgruntled citizenry.[52] Under these circumstances, the presence of Bishop Kavanaugh caused no little excitement. "*A Rebel*

Bishop in California," said the Congregationalist newspaper, *The Pacific*, and continued:

> The Bishop presides over a Church made up wholly of Rebels. . . . In what way he came through Union lines, . . . we know not; nor do we know what special occasion called him here. There is not a fragment of the Methodist Church, South, left in this State. It has long since ceased to be in the main a power for anything but evil. . . . What good can come, then, from this visit.[53]

In July, an undisclosed source testified before John S. Mason, the Provost Marshal in San Francisco, that Kavanaugh had come through military lines from Georgia on a Confederate pass, and that since he had "no visible business" in California, he could be presumed to be "a political emissary of Jeff. Davis."[54] Kavanaugh was arrested at a camp meeting in Copperopolis (near Stockton) by a United States Army captain and taken to San Francisco for questioning, but he was given a full and unqualified release after a few days.[55] A letter to the provost marshal from the office of General McDowell explained this release and expressed the general's satisfaction with the nature of Kavanaugh's mission in California, adding that the term "South" attached to the name of the Church, while unfortunate, carried no political connotations.[56] Oscar P. Fitzgerald also wrote the provost marshal urging publication of all the facts of the matter in order to promote popular understanding of the church.[57]

One of the more tangible results of the Kavanaugh incident was the arrest of C. L. Weller, the chairman of the Democratic State Central Committee, on July 25, 1864. Urging the formation of secret societies to combat "the high arm of military tyranny in California" at a meeting in San Francisco, Weller said in regard to the arrest of the bishop, " 'And will you sit quietly by and see such things done, and not resist them?' (Cries of 'No! No!')"[58] Weller was sent to Alcatraz, but later released on an oath of allegiance to the Union and $25,000.00 bond.[59] More of the speculation and controversy concerning Kavanaugh was reported in the Sacramento *Union*. A nameless correspondent of the Marysville *Express*, as quoted in the *Union*, believed the charges against the bishop to have originated with a Northern Methodist preacher from San Jose.[60] The attitude of the Church, North as seen in its periodical, the *California Christian Advocate*, was one of approval:

> What then, if one or a thousand citizens be arrested on report of disloyalty?

> Temporary personal inconvenience is realized but the vigilance and purpose of the authorities are manifest; and if those arraigned are able to clear themselves of treasonable complications, utterances, and acts, it is well; if they are not, the arresting hand has been stretched out none too soon. . . . The arrest of Bishop Kavanaugh . . . will go far to assure all parties that we have a chief military officer . . . who . . . will execute his post.[61]

Kavanaugh himself, in a letter to the provost marshal, wrote: "That I am deeply pained by this proceeding I candidly confess—not so much because of personal injury to myself, as because of the reproach it brings on my sacred calling and on the Church with which I am connected."[62]

The comments caused by the arrest of Bishop Kavanaugh constitute the final evidence indicating mutual church attitudes during the war. After the cessation of hostilities, California preachers of the Northern Church were characteristically prominent in funeral services for Lincoln, while their Southern colleagues repeated once again their determination both to remain in California and to avoid civil affairs.[63] While the Congregationalist *Pacific* could term Southern Methodism "dead" in California, and the San Francisco *Call* speculated that "the Southern Methodist Church has received a wound from which it will not recover," the church in California had nonetheless survived the struggle.[64] In spite of an incident such as the burning of the Southern college building in the emotional turmoil following Lincoln's assassination, the Southern Church was beginning to regain its membership by 1865.[65] An indication of the firm status the Church, South had achieved in California was the immediate resumption after the war of press notices concerning Southern Methodist church services—for the most part ignored throughout the war.[66]

Thus the gulf widened between the branches of Methodism in California. Of course, the position to which the Southern Church adhered was never tenable; as in all armed conflicts, neutrality necessarily implied disloyalty. However, while the sophistry involved in the Southern insistence that slavery—at base a moral problem—was purely a political question became an irritation, it was probably the only possible stand the organization could take. On the other hand, the zeal with which the Northern Church espoused the Union cause appears rather sanguinary for a Christian body and undoubtedly contributed to mutual antagonism. Although such animosity seems to have increased throughout the war, it never became as bitter as the circumstances might have warranted. The Church, South, while losing some members, fared remarkably well; above all, it stayed in California. The Northern Church displayed considerable restraint despite its enthusiasm for the Union and embarrassment over the presence of the Church, South. There was no attempt to drive the Southerners away, only to incorporate them. The large anti-administration minority in California was an important factor in this regard, of course. At any rate, the avoidance of bloodshed and the relative absence of violence certainly helped to facilitate the resumption of cordial relations between California Methodists.

In 1869, only four years after the end of the war, a fraternal delegation consisting of Martin C. Briggs and Eleazar Thomas visited the Southern annual conference, bearing the following message:

> The harmony of union, communion, and co-operation must come of the charity that hopeth all things, thinketh no evil, never faileth—We are persuaded that this love, . . . is possessing in large . . . measure, hearts too long estranged. . . . The occasion or cause of our seperation [*sic*] and the too passionate controversy thence arising, we would remember only as incentives to hearty and deep repentence and as the inclination to a higher and sublime devotion to our divine and cherished mission.[67]

Californians of both sides were apparently tired of the quarrel. Although the Southern bishop presiding at the conference grumbled that "as a man who loved righteousness, he could not 'gush with sentiment until wrongs were righted and property restored,'" his counsel went unheeded—he was, after all, a visitor to California.[68] Oscar P. Fitzgerald described the resumption of formal relations between California Methodists thus: "As the interview proceeded, the tide of good feeling rose higher and higher, until, sweeping away all obstructions, fraternity triumphed amid a storm of Amens."[69] On the national level, however, differences were not so easily resolved; formal unification of the mother churches did not occur for seventy more years.

APPENDIX

Comparative Statistics Taken from Conference Minutes (Approximate)

	M.E. Church		M.E. Church, South	
Year	Preachers	Members	Preachers	Members
1853	35	1344	21	568
1854	46	1659	22	731
1855	58	2039	29	838
1856	57	2112	35	1202
1857	72	2500	37	no record
1858	80	2739	52	no record
1859	82	3247	54	2011
1860	100	3441	56	2500
1861	96	3705	69	2451
1862	98	3501	69	1849*
1863	99	3948	64	1096*
1864	88	3912	44	1791*
1865	91	3879	60	1993*

*Figures for the Oregon districts have been subtracted.

NOTES

1. John J. Earle, "The Sentiment of the People of California with Respect to the Civil War," *Annual Report of the American Historical Association*, VIII (Washington, 1908), pp. 123-35; Benjamin Franklin Gilbert, "The Confederate Minority in California," *California Historical Society Quarterly*, XX (June, 1941), pp. 154-70.

2. Methodist Episcopal Church, South, *History of the Organization of the Methodist Episcopal Church, South: Comprehending All the Official Proceedings of the General Conference, the Southern Annual Conference, and the General Convention* (Nashville, 1845).

3. John C. Simmons, *The History of Southern Methodism on the Pacific Coast* (Nashville, 1886), p. 65; William Taylor, *California Life, Illustrated* (New York, 1858), pp. 155-58.

4. William Hanchett, "The Question of Religion and the Taming of California," *California Historical Society Quarterly*, XXXI (June, 1953), p. 119.

5. Taylor, *California Life, Illustrated*, p. 157.

6. Manuscript Minutes of the Pacific Annual Conference of the Methodist Episcopal Church, South, 1852-1869 (in possession of the Methodist Historical Society, Methodist Church Headquarters, Los Angeles, California), April 15, 1852. Cited hereafter as Minutes of the Church, South.

7. Simmons, *History of Southern Methodism . . .*, pp. 32, 65.

8. Charles Volney Anthony, *Fifty Years of Methodism: a History of the Methodist Episcopal Church within the Bounds of the California Annual Conference from 1847 to 1897* (San Francisco, 1901), p. 260.

9. *Ibid.*, pp. 93, 111, 121, 131, 160-61, 212.

10. Simmons, *History of Southern Methodism . . .*, p. 128; Minutes of the Church, South, *passim*; San Francisco *Chronicle*, Dec. 1, 1855; Earle, *Annual Report of the American Historical Association*, VIII, pp. 123-35; Gilbert, *California Historical Society Quarterly*, XX, p. 166; John W. Winkley, *Methodist Pioneers of California* (Albany, California, 1947), p. 34.

11. San Francisco *Alta California*, Sept. 20, 1862; Sacramento *Union*, June 14, 1864; Aurora Hunt, *The Army of the Pacific; 1860-1866* (Glendale, 1951), p. 336.

12. Anthony, *Fifty Years of Methodism*, pp. 35, 149; Simmons, *History of Southern Methodism . . .*, pp. 54, 133.

13. Anthony, *Fifty Years of Methodism*, p. 47 and *passim*; Hanchett, *California Historical Society Quarterly*, XXXI, pp. 119-44; Minutes of the Church, South, April 17, 20, 1852.

14. Minutes of the Church, South, Nov. 6, 1856.

15. Simmons, *History of Southern Methodism . . .*, p. 205.

16. *Ibid.*

17. *Ibid.*, p. 206.

18. Anthony, *Fifty Years of Methodism*, p. 35.

19. Minutes of the Church, South, Nov. 6, 1856; Simmons, *History of Southern Methodism . . .*, p. 207.

20. Minutes of the Church, South, Nov. 10, 1856.

21. Minutes of the Church, South, Nov. 4, 1857; Oct. 17, 18, 1860.

22. "The Discipline as It Is and Slavery," *Methodist Quarterly Review*, Ser. IV, Vol. IX (July, 1857), p. 508.

23. San Francisco *Bulletin*, June 2, 9, 1860.

24. Anthony, *Fifty Years of Methodism*, p. 231.

25. Minutes of the Church, South, Oct. 8, 1861.

26. *Ibid.*, Oct. 7, 1862.

27. Oscar Penn Fitzgerald, *California Sketches* (2d ed.; Nashville, 1889), p. 136.

28. San Francisco *Alta California*, Feb. 22, Oct. 18, 1862; San Francisco *Call*, Jan. 11, 1865.

29. Lewis Curts, ed., *The General Conferences of the Methodist Episcopal Church, 1792-1896* (Cincinnati, 1900), p. 164.

30. Methodist Episcopal Church, *Journal of the General Conference of the Methodist Episcopal Church, Held in Philadelphia, 1864* (New York, 1864), p. 380.

31. Halford E. Luccock and Paul Hutchinson, *The Story of Methodism* (New York, 1926), p. 355.

32. Anthony, *Fifty Years of Methodism,* p. 231.

33. *Ibid.,* p. 56; San Francisco *Call,* April 4, 1862.

34. Sacramento *Union,* March 28, April 17, 1863; Anthony, *Fifty Years of Methodism,* p. 34.

35. Sacramento *Union,* Jan. 13, 1863.

36. *Ibid.,* June 13, 17, July 8, 1864; San Francisco *Call,* Dec. 18, 1864; Anthony, *Fifty Years of Methodism,* p. 34.

37. See Rockwell Hunt's essay on Briggs in *California in the Making: Essays and Papers in California History* (Caldwell, Idaho, 1953).

38. Sacramento *Union,* April 2, 1864.

39. Minutes of the Church, South, Oct. 7, 1863; Simmons, *History of Southern Methodism . . .,* p. 289.

40. Sacramento *Union,* Jan. 1, 1863.

41. Richard Leupp, "Disloyal Sentiment in California during the Ante-Bellum and Civil War Period" (unpublished Master's thesis, San Francisco State College, 1958), p. 88.

42. San Francisco *Alta California,* July 13, 1861. Simmons, *History of Southern Methodism . . .,* p. 322; Minutes of the Church, South, Oct. 9, 1865.

43. Simmons, *History of Southern Methodism . . .,* pp. 321-22.

44. Sacramento *Union,* July 25, Aug. 15, 1864.

45. See Appendix.

46. Minutes of the Church, South, Oct. 6, 7, 1862.

47. *Ibid.,* Oct. 7, 1863.

48. *Ibid.,* Oct. 10, 1863.

49. *Ibid.*

50. Letter from H. H. Kavanaugh to J. C. Simmons, Feb. 14, 1878; quoted in Simmons, *History of Southern Methodism . . .,* p. 300.

51. Sacramento *Union,* July 29, Aug. 6, and *passim,* 1864.

52. United States War Department, *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1897), Ser. I, Vol. L, Pt. 2, p. 948.

53. Simmons, *History of Southern Methodism . . .,* pp. 308-09.

54. *Ibid.,* p. 300.

55. *Ibid.*

56. U. S. War Dept., *War of the Rebellion,* Ser. I, Vol. L, Pt. 2, p. 918.

57. *Ibid.,* pp. 920-21.

58. Sacramento *Union,* July 27, 1864.

59. Aurora Hunt, *The Army of the Pacific,* p. 349.

60. Sacramento *Union,* July 26, 1864.

61. *Ibid.,* Aug. 1, 1864.

62. Letter from H. H. Kavanaugh to General Mason, July, 1864; quoted in Simmons, *History of Southern Methodism . . .,* p. 311.

63. San Francisco *Call,* April 20, 1865; Minutes of the Church, South, Oct. 9, 1865.

64. Simmons, *History of Southern Methodism* . . ., p. 308; San Francisco *Call,* April 21, 1865.

65. See Appendix.

66. San Francisco *Call,* April, 1865, *et seq.*

67. Minutes of the Church, South, Oct. 8, 1869.

68. Simmons, *History of Southern Methodism* . . ., p. 358.

69. Fitzgerald, *California Sketches,* pp. 139-40.

California Soldiers in the Civil War

By Leo P. Kibby

DURING THE CIVIL WAR the state of California, supporting the Union cause, "is credited with having furnished 15,725 volunteers."[1] This military organization represented a composition of two regiments of cavalry, a battalion of native cavalry, eight regiments of infantry, one battalion of veteran infantry, and the First Battalion of Mountaineers. In addition, California supplied five hundred men credited to the quota of the state of Massachusetts,[2] and a similar number, representing eight companies, for the territory of Washington. Authorization for recruiting in California for assignment to Washington had been given Colonel Justus Steinberger, in command of the Washington Territory volunteers, because he had found it impossible to raise the required number of troops in Washington to fill the territory's quota.[3]

California troops were responsible to the commander of the Department of the Pacific whose headquarters were in San Francisco. At the outbreak of the war the commander was Brigadier General Albert Sidney Johnston.[4] Others to serve in this capacity were Brigadier Generals Edwin V. Sumner and George Wright, and Major General Irwin McDowell.

The first call on California for troops was in July, 1861,[5] and thus the first five companies of the First Regiment of Cavalry were formed between August 15 and October 31, 1861. The first man to enlist was Charles S. Thompson who enlisted as a private in Company B at Folsom, on August 10, 1861.[6] Incidentally, Thompson remained in the service until mustered out at Fort Union, New Mexico, on September 30, 1864.[7]

Subsequent units completed and mustered into service for the remain-

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der of the war were as follows: during 1861 the Second Regiment of Cavalry, the First, Second, Third, and Fifth Infantries; in 1862 the Fourth Regiment of Infantry and the "California Hundred" (assigned to State of Massachusetts); in 1863 the First Battalion of Mountaineers and the "California Battalion" which went to Massachusetts; in 1864 the First Battalion of Veteran Infantry; in 1865 the Seventh and Eighth Regiments of Infantry.[8] By September 30, 1866, all California troops had been mustered out of the armed services.[9]

The First Regiment of Cavalry, composed of twelve companies, became a part of the famous California Column which advanced into New Mexico and Texas.[10] When Confederate troops appeared in New Mexico, it was feared they would secure a foothold there for use as a base to invade California. To prevent this, General Wright sought approval from the War Department to send troops into New Mexico.[11] General George B. McClellan authorized the request on December 18, 1861.[12] Thus the California Column was formed under the command of Colonel, later Brigadier General, James Henry Carleton, who was already the commanding officer of the First Regiment of California Volunteer Infantry. Making up the Column were ten companies from the First Regiment of Volunteer Infantry,[13] the First Voluntary Cavalry, plus an additional force which General Wright planned to send, and which was taken eventually from the First Regiment of Infantry under Colonel George W. Bowie.[14] Of significance was the fact that the First Regiment of Infantry had been originally organized in order to protect the overland mail route in Nevada, Utah, and Wyoming.[15]

In 1862 General Wright requested permission to raise four companies of native cavalry, to be known as the First Battalion of Native Cavalry, in the Los Angeles District. He also asked that the unit be commanded by Don Andrés Pico, then brigadier general of the First Brigade of California Militia.[16] The request for the cavalry companies had been based on the "extraordinary horsemanship" native Californians had displayed, and because it was believed such a battalion would "render excellent service in Arizona."[17] Authorization was given to the request by the Secretary of War, and recruiting began. Though offered a commission as major of the battalion, General Pico declined because of "sickness and his inability to ride on horseback."[18]

The battalion of native cavalry was stationed in various parts of California. Though its records are not very complete, one characteristic does stand out—it had an unusually large number of desertions. Over four hundred and fifty men composed the battalion, and approximately thirty-seven per cent of this number deserted. In San Jose alone, where fifty-one men had enrolled, thirty-one eventually deserted.[19]

The remaining units of California volunteers, as can be seen from the Data Sheet, were given assignments covering an extremely wide geographical area: The First Battalion of Veteran Infantry, formed in 1864 from new enlistees and veterans from the First and Fifth Infantries, served principally in New Mexico and Texas. The Second Regiment of Cavalry was active in the Utah Territory. The Second Regiment of Infantry served in Oregon and Washington; the Third in Humboldt County and Utah; the Fourth in Oregon and Vancouver; the Fifth in New Mexico and Texas with the California Column; the Sixth in California only; the Seventh in Arizona and California; the Eighth in California and Washington; and the First Battalion of Mountaineers, requiring from May 30, 1863, to March 16, 1864, for all companies to be mustered in, served a specific assignment in the Humboldt District.

Many young men in California wished to go East and join the Army.[20] Though the War Department would not accept volunteers from the Pacific Coast for fighting in the East,[21] it did not oppose the authorized arrangement by which the state of Massachusetts was able to raise troops in California, take them East, and have them credited to the state's quota.[22] These California troops were the only soldiers from California to engage in major battles of the Civil War.[23] D. W. C. Thompson, who had been major of the California Cavalry Battalion, gave to the California Adjutant General on November 15, 1867, a full account of the battalion's operations. Among the battalion's achievements, he stated that in two and one-half years of hard service in the field it had participated in over fifty engagements. Moreover, of the four hundred officers and enlisted men mustered into the battalion at San Francisco, only one hundred forty-eight remained to be mustered out on July 20, 1865. Many had been killed in battle, or died in the service; some were missing and unaccounted for; others had been discharged because of wounds or disability.[24]

Records relating to the total number of California troops serving under the Massachusetts quota show that eighty-six died in the service of their country, thirty-four deserted, and seventeen were missing.[25]

California troops, except for those assigned to Massachusetts, remained on the western frontiers. They fought in no major battles of the war. Rather, their military engagements were with small forces of Confederate troops in New Mexico and with Indians throughout the West. Among their many functions, three stand out as being extremely significant: first, to prevent the Confederacy from gaining a foothold in the West; second, to relieve United States regular soldiers stationed in outlying posts on the western frontiers and thus enable them to be returned to the East for military duty; third, to prevent the Indians from their depredations, consisting of such things as destroying government property, stealing, raiding, plundering, etc. The records of the regiments of California troops serving outside of California show frequent encounters with Indians in the areas of assignment. Moreover, one battalion, the Mountaineers, was raised in 1863-1864 exclusively for service against the Indians in Humboldt County and in the northwestern portions of California.[26] As one authority has said, the California volunteers in doing their duty "preserved peace in these western States and Territories, and the flag of rebellion was soon driven beyond the Rio Grande."[27]

A recent writer has stated that the California volunteers served without appropriate recognition from their contemporaries and "without fan-fare then or since."[28] Moreover, the campaigning in the West was just as hazardous as it was in the East. To describe the situation more completely, the same writer continued:

> . . . Poorly shod and foot-sore, these soldiers marched hundreds of miles over the desert without enough water. They plowed their way through snowdrifts until their feet were frozen. They swam the rivers, dodging the broken ice that cut the flesh. Many were drowned in the rivers from the Columbia on the north to the Rio Grande on the southwest; and on the coast, from Humboldt bay to San Diego. The fatalities from arrow wounds were far greater than from bullets—fully sixty per cent of the arrow wounds proved fatal.[29]

Fatalities for California troops were not high in comparison with the total Union casualties. George W. Adams stated that 300,000 Union soldiers lost their lives from 1861-1865.[30] This would approximate a twenty per cent loss. Of the total number of troops assigned to duty during the war, from California, seven officers and four hundred ninety-four enlisted men, exclusive of the casualties of those in the Massachusetts quota, died in the service of the United States. This is a fatality figure of less than three and one-half per cent.[31]

That high respect for the California volunteer was voiced may be determined from the view expressed by a correspondent for *Harper's Magazine* and special agent for the Department of Interior. He spoke as follows concerning an escort of thirty soldiers assigned to him in southern Arizona:

> . . . a better set of men I have never traveled with. They are good humored, obliging and sober and not one of them stole a pig or a chicken on the entire trip.[32]

NOTES

1. Richard H. Orton, comp., *Records of California Men in the War of the Rebellion, 1861 to 1867* (Sacramento, 1890), p. 11, under "Note."

2. Orton, *Records of California Men,* p. 848.

3. George Wright to Lorenzo Thomas, February 8, 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1897), Ser. I, Vol. 50, Pt. 1, pp. 849-50. Hereinafter cited as *O. R.*

4. General Johnston later joined the Confederate Army and was killed early in the war while in command at the Battle of Shiloh, fought in western Tennessee on April 6 and 7, 1862.

5. Simon Cameron to the Governor of California, July 24, 1861, *O. R.*, Ser. I, Vol. 50, Pt. 1, p. 543. Orton, *Records of California Men,* p. 12.

6. Orton, *Records of California Men,* p. 68.

7. Orton, *Records of California Men,* p. 107. See roll of Battalion members.

8. See accompanying Data Sheet which summarizes the following information on California volunteers: name of unit, period of muster in, number of companies in each unit, period of muster out, commanding officer or officers who served each unit, and the principal geographical areas of activity to which each unit was assigned. Hereinafter cited as *Data Sheet.*

9. See First Regiment of Cavalry in *Data Sheet.*

10. Orton, *Records of California Men,* p. 68.

11. George Wright to Lorenzo Thomas, December 9, 1861, *O. R.,* Ser. I, Vol. 50, Pt. 1, pp. 752-753; Orton, *Records of California Men,* p. 46.

12. Authorization of General McClellan, December 18, 1861, *O. R.,* Ser. I, Vol. 50, Pt. 1, p. 753.

13. In April, 1862, Colonel Joseph R. West became colonel of the First Infantry, succeeding Carleton who had been promoted to brigadier general. See Orton, *Records of California Men*, p. 47.

14. Orton, *Records of California Men*, p. 47.

15. Simon Cameron to the Governor of California, July 24, 1861, *O. R.*, Ser. I, Vol. 50, Pt. 1, p. 543.

16. George Wright to Lorenzo Thomas, December 19, 1862, Orton, *Records of California Men*, p. 304.

17. Orton, *Records of California Men*, p. 304.

18. Orton, *Records of California Men*, p. 304.

19. Orton, *Records of California Men*, pp. 307-320. See roll of battalion.

20. Orton, *Records of California Men*, p. 5.

21. Aurora Hunt, *The Army of the Pacific* (Glendale, 1951), p. 354.

22. Orton, *Records of California Men*, p. 848.

23. Orton, *Records of California Men*, p. 5.

24. D. W. C. Thompson to George S. Evans, November 15, 1867. Orton, *Records of California Men*, pp. 849-853.

25. D. W. C. Thompson to George S. Evans, November 15, 1867, Orton, *Records of California Men*, pp. 854-870. See "Roll of the California Hundred and Battalion."

26. George Wright to Leland Stanford, January 21, 1863, Orton, *Records of California Men*, p. 826.

27. Orton, *Records of California Men*, p. 5.

28. Hunt, *The Army of the Pacific*, p. 362.

29. Hunt, *The Army of the Pacific*, pp. 362-363.

30. *Doctors in Blue* (New York, 1952), p. 3.

31. Orton, *Records of California Men*, pp. 871-883. See "Deceased Officers and Enlisted Men."

32. Quoted in Hunt, *The Army of the Pacific*, p. 133.

DATA SHEET FOR CALIFORNIA VOLUNTEERS

NAME OF UNIT	NO. OF COS.	PERIOD OF MUSTER IN	PERIOD OF MUSTER OUT	COMMANDING OFFICER(S)	PRINCIPAL GEOGRAPHICAL AREAS OF ACTIVITY
First Regiment of Cavalry	12	First five companies: 8/15/1861 to 10/31/1861 Last seven companies: 5/16/1863 to 12/31/1863	10/?/1864 to 9/30/1866	Lt. Col. Benjamin F. Davis Lt. Col. Edward E. Eyre Col. David Ferguson Col. Oscar M. Brown Col. Clarence E. Bennett	California Column; Arizona, New Mexico, and Texas
Second Regiment of Cavalry	12	10/2/1861 to 10/30/1861	2/1/1866 to 7/31/1866	Col. Andrew J. Smith Col. Columbus Sims Col. George S. Evans Col. Edward McGarry	Sacramento, Utah Territory, Nevada, Humboldt; California Column
First Battalion of Native Cavalry	4	9/7/1863 to 8/25/1864	3/15/1866 to 7/20/1866	Major Salvador Vallejo Major John C. Cremony	California and Arizona
First Regiment of Infantry	10	8/17/1861 to 1/10/1862	8/31/1864 to 9/17/1866	Col. James H. Carleton Lt. Col. Joseph R. West Col. Edwin A. Rigg	California Column; Arizona, New Mexico, and Texas
Second Regiment of Infantry	10	10/2/1861 to 12/31/1861	4/16/1866 to 7/2/1866	Col. Francis J. Lippitt Col. Thomas F. Wright	Oregon, Washington, and California
Third Regiment of Infantry	10	10/31/1861 to 12/31/1861	On 7/27/1866 all companies	Col. Patrick E. Connor Col. Robert Pollock	Humboldt; Utah
Fourth Regiment of Infantry	10	9/21/1861 to 2/1/1862	9/23/1865 to 4/18/1866	Col. Henry M. Judah Col. Ferris Forman Col. James F. Curtis	Oregon, Washington, and southern California

Fifth Regiment of Infantry	10	No muster roll available, but companies were enrolled between 9/12/1861 and 10/21/1861	11/27/1864 to 12/14/1864	Col. John Kellogg Col. George W. Bowie	California Column; Arizona, New Mexico, and Texas
Sixth Regiment of Infantry	10	10/21/1862 to 9/12/1864	10/25/1865 to 12/20/1865	Col. Henry M. Black	Humboldt District
Seventh Regiment of Infantry	10	11/22/1864 to 1/28/1865	3/1/1866 to 6/28/1866	Col. Charles W. Lewis	San Francisco; Arizona
Eighth Regiment of Infantry	10	11/29/1864 to 3/31/1865	On 10/24/1865 all companies	Col. Allen L. Anderson	Alcatraz; Fort Point
First Battalion of Veteran Infantry	7	11/?/1864 to 12/?/1864	9/9/1866 to 9/20/1866	Col. Edwin A. Rigg	New Mexico; Arizona
First Battalion of Mountaineers	6	5/30/1863 to 3/16/1864	4/25/1865 to 6/15/1865	Lt. Col. Stephen G. Whipple	Camp Baker, California; Humboldt County
The California Hundred (Mass.)	1	12/10/1862	7/20/1865	Major DeWitt C. Thompson (Became Company A of Second Mass. Cavalry)	East
The California Battalion (Mass.)	4	3/20/1863 to 5/10/1863	7/20/1865 all companies	(Became Companies E, F, L, and M of Second Mass. Cavalry)	East

Based on Richard H. Orton, *Records of California Men in the War of the Rebellion, 1861 to 1867* (Sacramento: State Office, 1890), 887 pp.

New Books

The War and the Far West, 1861-1865. By Oscar Lewis. (Garden City, New York, Doubleday & Company, Inc., 1961. 263 pp. $3.95.) Reviewed by Werner H. Marti.

Oscar Lewis has presented to the reader a most colorful, sometimes dramatic, and always interesting account of the impact of the Civil War on the western portion of the United States. The Far West, as Mr. Lewis defines it, encompasses the region west of the Rockies and thus gives the author a wide range for his canvas of life in the area during the trying days of the great national tragedy. However, when Westerners became involved in the great military struggle taking place in the East, as for example the California Hundred in the Massachusetts Cavalry, Mr. Lewis skillfully shifts the scene from West to East and weaves the actors into the fabric of the whole cloth in such a way that the reader finds no difficulty in making the transition. Illustrative of this is the manner in which he describes both the efforts of the then senator from Oregon, Edward D. Baker, in raising the "California Regiment" in New York and the participation of this group in the bloody disaster of Ball's Bluff.

Shifting the scene back to the West, the California volunteers, under the command of Colonel P. Edward Connor, are marched into Utah, where their task was to relieve the regular troops from the outpost duty on the western trails. The foremost task of the Californians was to keep the Indians in check, but in the performance of this mission they encountered nearly as much trouble from the "Saints" as they did from the Indians. Diplomatic behavior on the part of Colonel Connor and his troops avoided hostile action on the part of Brigham Young and his followers, enabling the young Colonel to deal brilliantly with the Indians.

Confederate activity in Arizona and New Mexico is interestingly and colorfully described by the author with particular emphasis on the Confederate drive into New Mexico with California their destination. General Henry H. Sibley's daring drive was finally stopped by the hard rock miners of Colorado under their indefatigable leader, Major John M. Chivington. The California Column, which had been despatched to repel the invasion, arrived too late to engage the enemy, but their presence helped deter further campaigns in the Southwest. Mr. Lewis does a fine job in analyzing the Confederate motives for the plan to take California.

More than half the book is taken up with the strictly military activities in the West while the remainder deals with the author's avowed aim, "a true and graphic picture of life in California and its contiguous territories." Here Mr. Lewis focuses attention on San Francisco, selecting a number of dramatically interesting events and episodes which transpired during the war. Among these are the visit of the Russian Pacific Squadron to the city on the Golden Gate, the famous sack of flour, and the efforts to fortify and protect San Francisco Bay.

The press and pulpit also receive attention from Mr. Lewis' pen. We find a most interesting chapter dealing with the activities of the Reverend William A. Scott, who dared to voice the sentiments of secession from the pulpit in San Francisco, and with the vigorous support of the Union by the Unitarian minister, Thomas Starr King, who did so much to promote the cause of the Sanitary Commission in the Golden State. Again, in dealing with the pro-Union and pro-Secessionist press in California, the *American Flag* of San Francisco was selected as representative of extreme Union sentiment while *The Equal Rights Expositor* of Visalia represented the Secessionists' point of view.

Mr. Lewis sums up his account of the impact of the war on the West by a review of San Francisco and uses that most unusual and unique city's experiences as typical of what went on in other portions of the West and the Pacific Coast. Again, military matters predominate in this analysis, though generalizations about the growth of industry and the expansion of agriculture are mentioned.

The author relies heavily on the conclusions of Hubert Howe Bancroft and Theodore Hittell for politics in the state of California and for California's contribution to the war but does not clearly establish the validity of these conclusions.

The reviewer would have been happier with the book if there had been more discussion of the social and economic effects of the war on the West, as Mr. Lewis defines it, and of the part played by Nevada silver and California wheat and gold in supporting the Union. Also, the wide differences politically, economically, and socially between southern California and the Bay area would have been an excellent area to explore more fully.

One cannot take too much issue with the contents of the book for the major conclusions are valid, but one can take issue with what is not discussed in light of the author's statement of the scope of his work. The book also suffers from the lack of an index.

Werner H. Marti, who received his doctorate from the University of California, Los Angeles, is associate professor of history at California State Polytechnic College, Pomona. He is the author of *Messenger of Destiny, The California Adventures, 1846-1847, of Archibald H. Gillespie, U. S. Marine Corps.*

The Explorers: The History of San Diego. By Richard F. Pourade. (San Diego, The Union-Tribune Publishing Company, 1960. 203 pp. $9.50.) Reviewed by Donald Rowland.

This work is stated to be the first volume of a projected series on San Diego, although each volume is to be complete in itself. It was commissioned by James S. Copley, publisher of *The San Diego Union and Evening Tribune*, and its author is an editor-emeritus of the *San Diego Union.* Its announced purpose was to organize the great amount of material on the subject, particularly for the benefit of many newcomers to the region who were not acquainted with its past history.

While the San Diego area is the central subject of the volume and the series, this first work by its nature is wider in scope. The opening chapter deals with the natives who lived there before the arrival of the Spaniards. Succeeding chapters take up the early voyages along the western coast of North America from the Spanish base in Mexico, with the first of these covering the Mexican coast-line and the Gulf of California region, followed by the longer voyages of Juan Cabrillo in 1542 and of Sebastián Vizcaíno in 1602. These latter voyages made known the general features of the upper California coast to near the Oregon line, and pointed out the existence of a good harbor at San Diego and another anchorage at Monterey, but with no colonization taking place. Other chapters are devoted to the extension of Spanish control up the western coast of Mexico through missionary efforts carried out under church auspices and supported by military expeditions and the development of mines and cattle ranches. The Jesuits also had established missions in Lower California by 1700, despite the tremendous difficulties involved. Finally, the numerous proposals for an extension of the frontier beyond into Upper California bore fruit in the expeditions of 1769, which established a base at San Diego under very precarious conditions. Later chapters cover the adventures of the Spaniards at this spot, their further explorations up the coast, and the achievement of a temporary land route from Sonora to California under the leadership of the famous Juan Bautista de Anza in the 1770's which enabled the colony to become permanent and a basis for further colonization beyond San Francisco.

The volume does not pretend to add new information to that already available in various monographs in the field, and as such is not particularly of value to professional historians. However, the author has consulted the studies in the field with care and has organized them in a way that will give the average reader an excellent picture of the expansion of Spain into California, to 1776. It makes clear the great difficulties that existed in establishment of the first colony, with many lives lost because of scurvy, and also the very precarious conditions in regard to supplying it in the first years. Quotations are included which not only illustrate the problems involved but which also give an insight into the motives and ideas of the churchmen and military officers who took the lead in the venture.

Certain points might have been further developed. More mention might have been made of the very large number of proposals for extension of frontier to the north, which were advanced not only by religious leaders interested in the saving of souls, but also by military leaders; Anza's father, for example, made one about 1735. The importance of José de Gálvez, the visitador-general who dispatched the expedition in 1769, and who possibly was the one who proposed the idea in the first place to prevent possible colonization of California by some other nation, could have received greater emphasis. By inference, Father Serra and other religious leaders may have been given greater credit in regard to the venture than they deserve; Father Serra had nothing to do with conception of the plan and other religious leaders had no great confidence in it because of the cost and distances involved. The cause for the expulsion of the Jesuits is not fully explained, nor is there much mention of the fact that military and religious leaders did not always agree in policy in regard to such matters as treatment of the natives. There is no specific citation of sources in regard to quotations, although certain of the items are listed in an appendix on translations. Some departure from form in historical writing is shown by use of quotation marks where the quotations have already been identified by different size in type, and punctuation is not added where elision occurs.

On the whole, the volume fulfills well the intention of the writer. The style of writing maintains interest, and the story is made more vivid by inclusion of a number of maps, facsimiles of documents, and well-selected illustrations in color. The book is handsomely bound, and should be well received by the public. It is hoped that succeeding volumes of the series will appear in the future, with the same care in regard to examination of source materials as in this case.

Donald Rowland, who received his doctorate from the University of California, Berkeley, is professor of Hispanic-American history at the University of Southern California.

Los Angeles From Mission to Modern City. By Remi Nadeau. (New York, Longmans, Green and Co., 1960. 302 pp. $5.95.) Reviewed by W. W. Robinson.

Though its title is unfortunate—for Los Angeles was *never* a mission—Nadeau's newest book is a vivid and interesting coverage of the rise of Los Angeles from its Spanish pueblo beginnings up to the age of freeway dominance.

Its appearance proves that a national publisher is willing to take a chance with a book about an American city that is not New York, not New Orleans, not San Francisco. It was Frank Norris, many years ago, who asserted that only these three cities in the United States had the romantic appeal that justified a book.

Remi Nadeau is of pioneer southern California stock, his great-great-grandfather of the same name arriving in 1861 and establishing a great freighting business. Author Nadeau, a fifth generation Angeleno, has contributed much to the region's historical knowledge through his *City Makers* and *The Water Seekers,* the last named being of special value. Both were the product of original research, largely through hard-to-get newspaper files. His latest book is in the tradition of these earlier ones. It has the same chatty, colloquial, humorous manner. Its theme—"Tourist Go Home!"—is developed amusingly. Los Angeles has been insulted by experts, but native-son Nadeau really loves his city. So, his good-natured ribbing of its climate and thereby bringing in more people than the place can handle will not offend the thick-skinned officers of the All-Year Club. Remi thus defeats the publisher's hope that the book will fan the flames of controversy.

Nadeau is essentially a newspaperman, and his book is best when it describes the current scene, whether it involves traffic, minority groups, aviation, politics, or smog. As a contribution to history the book is less noteworthy. The subject covered is a vast and intricate one, calling for long years of research and the scholarly approach. Meeting a publisher's deadline, the author has relied heavily on pioneer reminiscences—notoriously unreliable—and on newspaper files. As a result, old myths are preserved, folksy conversations of historical characters are reported as fact, and an excessive feeling of tension maintained. The story of how the first American, Joseph Chapman, came to Los Angeles is a delightful bit—originating in pioneer Stephen Foster's love of myth-making—but one that has been discredited. The elastic memoirs of pioneer Antonio F. Coronel presumably supplied the procession and the priest to Nadeau's all-too-brief account of the pueblo's founding. Exception could be taken to various statements and conclusions in this definitely "popular" history—every reader's privilege. For example, the period between 1893 and 1914 was hardly one of continuous boom, as stated. John R. Haynes is given due credit for the Los Angeles reform movement of the early 1890's. No mention, however, is made of the actual organizer and architect of political reform, Edward A. Dickson, who, with his associates, launched the battle that upset the Harper regime in Los Angeles and that eliminated the Southern Pacific from politics locally and in the state.

Take Remi Nadeau's book, therefore, with pleasure but with caution. Savor it for its current comment and for such pleasantries of phrase as the author's description of the Los Angeles freeways as "the most hair-raising arena of clashing wills outside the jungle."

William W. Robinson, trustee and fellow of the California Historical Society, is author of *Lawyers of Los Angeles, Los Angeles from the Days of the Pueblo,* and numerous other books on southern California.

Architectural Follies in America. By Clay Lancaster. (Rutland, Vermont, Charles E. Tuttle Company, 1960. 243 pp. $10.00.) Reviewed by Joseph Armstrong Baird, Jr.

This strange and extraordinary volume is not easily reviewed. Its intentions are high, but its achievements are less exalted. With an irony approaching the "folly" of its contents, the book was designed and printed in Japan; and the physical format, though attractive in size and outward appearance, has many interior *bizarréries*. The choice of a traditional calling card type-face for headings of contents and chapters, as well as the beginnings of paragraphs, is a naiveté of planning only understandable under the heading of the *New Yorker's* "mysterious east" department. Perhaps, though, it is really *not* so ill-suited to the heavy-handed quaintness of the author's style, which tries the involutions of W. C. Fields but ends by being ponderous and as painfully "corny" as the celebrated palace at Mitchell, South Dakota. The most immediate indication of the general character of the book can be found in the color plates, which resemble genteel children's book illustrations. That the author (who did them) should consider them adequate in any sense for a serious book on architectural history suggests that this is not a serious book, nor is it really architectural history.

Much of the material is fascinating, and reveals the quest for the exotic hybrids of building which comes easily to any student of American design. Here are many of the inspired idiocies of plan and elevation which serve to remind one that architecture has its moments of satire and unintentional inventiveness, along with its general high seriousness. The book is, too, a catalogue of the determined resistance of individuals to the fashions of their time, occasionally leading to new if short-lived fashions of a different persuasion. That the author has lavished many foot-miles and hours over the drawing board on his enthusiasms cannot be denied; but the tour's description reminds one of the *Little Journeys to the Homes of Famous Authors* of Elbert Hubbard, and the drawing board utterly fails to allow any satisfactory suggestion of material or surface texture, even in the black and white pen sketches, which would be possible in photographs.

The most serious shortcomings in architectural semantics is a failure to come to grips with a consistent language of style. The fairly well-documented sequence of eclectic vocabularies of the nineteenth century in the United States is too often exchanged for vague references to Victorian or such phrases of "palazzo style" (utterly meaningless) and "the triumph of the bakeoven over the architecture of the whole house." Sam Hill's Folly (p. 231) is described as a "mock Flemish Renaissance castle," which is completely false. It is more closely related to the early Baroque country houses of England, and is as castellated as Inigo Jones' Queen's House at Greenwich, from which it derives. (An exclamation point seemed in order here, but it recalls too forcibly the excessive use of that punctuation mark by the author.)

Although the book is obviously not a guidebook (despite the very handsome end paper maps with indications of the general locations of the most outstanding structures mentioned), it is unfortunate that the author so often gives his directions in terms of "about a mile northeast" or "a few miles west." *The Appendix: A Geographic Guide to American Follies* could have included more exact and consistent highway or road locations, hours open, etc., which would have better echoed the attempt to make this a "colorful" guide to "colorful" places, where the chamber of commerce spirit of the writer seems to be glaring defiantly at the architectural historian and critic. The book inevitably reminds one of James Reynolds' personal guides to Palladian Italy and Ireland, but Reynolds would never have been guilty of such a staggering piece of colloquialness as "In the little town of Mitchell [actually the third largest community in southeast South Dakota—population some twelve thousand] a capatious [*sic*] hall was built in 1892 for shows and public exhibitions, which, despite its more-or-less rectangular overall, manifested some portion of romantic irregularities in the turrets and gables that enlivened the roof."

For Californians, it is disappointing that the Carson House of Eureka, the magnificent Gable House of Woodland, many of the Nob Hill mansions of San Francisco's pre-fire period, etc., have been omitted. San Simeon was not opened as a public park and museum by the California Historical Society (p. 231), but by the State of California; Simon Rodia's name (Watts' Towers, Appendix) is misspelled as Rida. The old Vedanta Center at Filbert and Webster streets in San Francisco is *not* on Russian Hill (p. 205). Perhaps, with Mr. Lancaster's beginnings, a more serious and genuinely witty history of fantasy in the West can now be written with emphasis on the imaginative "folly" of the great pioneers like Maybeck as well as the excruciating structural pleasures and pains of southern California derbys and northern California giant oranges.

JOSEPH ARMSTRONG BAIRD, JR., associate professor of art at the University of California, Davis, is the author of numerous articles on the history of architecture.

San Francisco, City at the Golden Gate. Illustrations by Fritz Busse. Text by Harold and Ann Gilliam. (New York, Arts Incorporated, 1960. 60 pp. $3.50.) Reviewed by Edgar M. Kahn.

Fritz Busse successfully reveals the feeling of San Francisco in his excellent color reproductions and drawings. I can visualize artist Busse walking up and down the hills, captivated with the exciting panorama that spreads before him. His delightful art work discloses the flavor and mood of the city. The scenes divulge the cable car, Chinatown, the Embarcadero, and landmarks that no San Francisco admirer ever forgets. The lights and shades of the city are caught views, misted by the silver fog and the incandescent blue of the sky and bay. The drawing of the steel-hulled *Balclutha,* with the superstructure of a modern cargo ship in the background, vividly recalls the maritime past and present. There are, of course, illustrations of Fisherman's Wharf, Telegraph Hill, the Palace of Fine Arts, and the City Hall. There are drawings of the agglomerate architecture of the city's homes and edifices. There is a narrow street scene with wash hanging from clothes lines reminiscent of an Italian town. Some of the best drawings are of the picturesque cable car and of Chinatown, a city within a city.

This volume is both attractive and unique because nothing of this kind has been done in recent years. In 1898 Edgar Peixotto reproduced drawings in a folio on Chinatown, but this item was a limited edition, and is rarely seen. In 1916 Joseph Pennel in a volume *The City of the Golden Gate* made a number of drawings. Thus, for the first time the collector of San Franciscoana can own a volume on present-day scenes, which are exceptionally well executed.

In addition to the excellent drawings and reproductions, the volume contains brief essays which are interspersed throughout the work.

Written by Harold and Ann Gilliam, these essays are veritable word-pictures which add meaning to the scenes depicted.

The format of the book might have been improved if the volume were larger, the prints better oriented, and the margin used to better display the drawings. The book, however, is a welcome addition to the collector of San Franciscoana.

EDGAR M. KAHN, a native San Franciscan, is a trustee of the California Historical Society.

RECENT CALIFORNIANA

A Check-List of Publications Relating to California

Compiled by Dudley G. Evans

BOOKS

BINGHAM, JOHN W. *Guardians of the Yosemite: A Story of the First Rangers.* Privately printed, 1961. $2.50.

BOAZ, MARTHA. *Fervent and Full of Gifts: The Life of Althea Warren.* New York, Scarecrow Press, 1961. $4.50.

The City: San Francisco in Pictures. Introduction by Stanton Delaplane. San Francisco, San Francisco Chronicle, 1961. $1.95.

CLARKE, DWIGHT L. *Stephen Watts Kearny: Soldier of the West.* Norman, University of Oklahoma Press, 1961. $5.95.

Cumulative Index, Westways-Touring Topics, 1909-1959. Compiled by Anna Marie and Everett Gordon Hager. Los Angeles, Automobile Club of Southern California, 1961. $15.00.

DILLON, RICHARD H. *The Bay Area Bookman.* Berkeley, California Library Association, 1961. $1.00.

FAUSOLD, MARTIN. *Gifford Pinchot, Bull Moose Progressive.* Syracuse, New York, Syracuse University Press, 1961. $4.50.

FLORIN, LAMBERT. *Western Ghost Towns.* Seattle, Superior Publishing Company, 1961. $12.50.

GILLINGHAM, ROBERT CAMERON. *The Rancho San Pedro: The Story of a Famous Rancho in Los Angeles County and of Its Owners, the Domínguez Family.* Los Angeles, Domínguez Estate Company, 1961. $15.00.

HANSEN, LORENTZ I. *Invitation to the Romance of History.* New York, Exposition Press, 1961. $3.00.

HEDLEY, GEORGE. *Aurelia Henry Reinhardt: Portrait of a Whole Woman.* Oakland, Mills College, 1961. $12.95.

HOSKIN, BERYL. *A History of the Santa Clara Mission Library.* Oakland, Biobooks, 1961. $15.00.

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In Memoriam

FLORENCE GREEN BIXBY

At the old adobe Rancho home on the Rancho Los Alamitos, near Long Beach, Florence Green Bixby died on April 2, 1961. She was born in San Francisco on July 28 ,1876, the daughter of Adam Treadwell Green and Harriett Green. Mr. Green arrived in San Francisco in the early '50's and was a member of the San Francisco Vigilance Committee of 1856, one of whose activities was to bring to justice Casey and Cora for the foul murder of James King of William. Mr. Green served at Fort Gunnybags at that eventful trial. Many years later, his interesting memoirs of early days in San Francisco were compiled in a small privately printed book in 1923, entitled *Seventy Years in California.*

Mrs. Bixby, after finishing her early education at Miss Head's School in Berkeley, went to the University of California, graduating in 1898. In that same year she married the late Fred Hathaway Bixby and moved to the Rancho Los Alamitos in Long Beach. Mr. Bixby was a dominant figure in the cattle industry and had substantial interests in oil. They lived at the Rancho on a grand and patriarchal scale. Their charming Christmas parties were beautifully described by Katharine Bixby Hotchkis in *Christmas at Rancho Los Alamitos,* a publication of the California Historical Society for 1957. In this fine little volume Mrs. Bixby appears as the gracious and generous hostess who presided over the household affairs of the old Rancho for over half a century. These Christmas parties were notable annual events, where were gathered the members of the family, the tenants of the Rancho and their families, the numerous employees and Mexican-Californian retainers and all their children, sometimes as many as three hundred in all.

She was the author of *Is There a Thing Called Spring?*, a book of poems and occasional pieces published in 1936.

Mrs. Bixby served in many civic and cultural posts; she was the founder and one-time president of the Long Beach Day Nursery, a trustee of the Orthopedic Clinic, a member of the Board of Governors of the Los Angeles Art Museum, a trustee of the Southern California Symphony Association, a trustee of Scripps College, and a charter member of the Historical Committee of the Los Angeles State and County Museum.

She is survived by her three children, Mrs. Preston Hotchkis (Katharine Bixby) of San Marino, Mrs. Edgar L. Janeway (Elizabeth Bixby) of Santa Ynez, and Mr. Fred Hathaway Bixby, Jr. of Los Angeles, by eight grandchildren and ten great grandchildren. Two other children, Deborah Bixby (Mrs. Robert C. Green) and John Bixby, predeceased her.

She will be remembered for her many gifts for civic, cultural, and educational activities, but most of all for her great capacity for friendship.

Homer D. Crotty

WAGNER MEMORIAL AWARD

The Henry R. Wagner Memorial Award, made annually to the author of the work published within the preceding two calendar years in the field of history, cartography, or bibliography which the Awards Committee shall have deemed most worthy of recognition was presented to Dale Lowell Morgan on September 27, 1961. Mr. Morgan received the award (as Professor John W. Caughey, chairman of the awards committee, stated) specifically for editing and annotating *The Overland Diary of James A. Pritchard* (Denver, 1959) and *California as I Saw It,* by William McCollum (Los Gatos, 1960).

Dale Morgan's outstanding contribution to the study of the American West was recognized by the following speech which Dr. James D. Hart, acting director of the Bancroft Library, delivered during the presentation ceremony.

President Francis P. Farquhar presents the 1961 Wagner Memorial Award to Dale Morgan, while James D. Hart, Acting Director of the Bancroft Library, looks on. Sept. 27, 1961.

DALE LOWELL MORGAN

By JAMES D. HART

DALE MORGAN'S SCHOLARSHIP ON THE WEST has behind it both family heritage and his own historical research. He was born in Salt Lake City in 1914 as a descendant of Orson Pratt, one of the original Quorum of Twelve Apostles of the Mormon Church, and therefore reared with a rich appreciation of a background significant in the study of the West. Educated at the University of Utah, Morgan received his A.B. in 1937, and his abilities at historical studies were immediately recognized by his appointment as history editor of the Historical Records Survey of the WPA in his native state. From this post he moved to become state superintendent of the Utah Writers' Project for the years 1940-1942. Of the dozen publications issued under his jurisdiction with the WPA perhaps the best known is *Utah: A Guide to the State* (New York, 1941). But out of the research of that period there came also his own first book, *The Humboldt, Highroad of the West,* issued in 1943 as part of the Rivers of America series. Of this first book, Wallace Stegner wrote a review which declared: "This volume is well written, carefully documented, solidly based on research and personal investigation. If there are better volumes in the Rivers of America Series (and I have not seen them yet) they will have to be very good indeed."

During the war Dale Morgan gave his talents for research and scholarship to the national effort in a defense post at Washington, D.C., as information specialist with the OPA. Then with the war concluded, Morgan returned to his first love and his major field of study by taking advantage of the Guggenheim fellowship that had been awarded to him in 1945 and that he had put aside until peace returned to the United States.

As a Guggenheim Fellow in 1947 and 1948 Dale Morgan carried on his research throughout the United States in libraries from Vermont to California on the subject of Mormonism in which area he is acknowledged to be an authority. The results of this fellowship are to be seen not only in the printed bibliographies dealing with the Mormon Church that Morgan published, but also in his general accumulation of detailed information that has enlightened and enhanced his writings about various aspects of Western America. That his interests in Utah history go beyond his concern with Mormonism is evident in his book on *Great Salt Lake*, published in 1947 as part of the American Lakes Series. When Bernard DeVoto reviewed it he considered it "the most interesting volume of the series," much as Stegner had found Morgan's earlier work on the Humboldt River to be the best in its series.

After serving as acting editor for the Utah Historical *Quarterly* for 1948 and 1949 and engaging in other private bibliographical work, Morgan came to the Bancroft Library in 1954, specifically as the editor and author of a projected monumental *Guide* to its manuscript collections, but also as a valuable adviser in the library's entire program of manuscript and book collecting, purchasing, and cataloguing. Just prior to his arrival at the Bancroft Library, Mr. Morgan published in 1953 his most substantial work of scholarship and research, a biography of Jedediah Smith, properly titled, considering the scope of Morgan's treatment, *Jedediah Smith and the Opening of the West.* This book was the result of more than a decade of research which extended from coast to coast of the United States and from the archives of Mexico to those of the Hudson's Bay Company in London. The result of these extensive explorations into previously unknown manuscript materials led to the creation of a book that has been acclaimed for the way in which it ties together all the scattered events and personalities of the West in the 1820's. Joseph Henry Jackson quite properly called the work: "admirable" and declared: "this is *the* book on one of the true great men of his era." Written with grace and clarity, and authoritatively buttressed by a wealth of basic documentation, the work is not only a dramatic depiction of a once neglected but major figure in American history, it is also a major contribution to the understanding of a vast region and an important era.

As a byproduct of this work, Dale Morgan in 1954 with Carl I. Wheat published *Jedediah Smith and His Maps of the American West*, a result too of his great interest in and knowledge of cartography. This aspect of Morgan's historical scholarship is reflected also in the authoritative *Historical Trails Map of Utah* that he prepared for his native state, his many more informal collaborations with Carl I. Wheat on the monumental series of *Mapping the Transmississippi West*, and Morgan's own edition of Rand McNally's *Pioneer Atlas of the American West*, a work issued in 1956.

The extent and the depth of Morgan's knowledge of the Far West have been particularly well illustrated by his two most recent books, ostensibly editions of the works of other writers, in actuality primary texts of his own. The first, published in 1959, is *The Overland Diary of James A. Pritchard, from Kentucky to California in 1849.* Certainly the 90 odd pages of this diary are very valuable in themselves, particularly as annotated by Morgan, but what makes the book truly significant are Morgan's three contributions: first, the 24-page introduction, second, his bibliography of similar length which lists and comments on every known diary kept on the northern Overland trails during 1849 and, finally, Morgan's chart of travel which shows in ingenious tabular form the dates when 132 diarists passed 51 places on the South Pass route between their point and time of departure and their arrival in California or the completion of their diary keeping. For the first time the basic information on the facts of travel and travel time as recorded in the highly dispersed and frequently unpublished diaries of '49ers could be seen and understood. As Carl I. Wheat said in a review of the book: "Mr. Morgan is to be commended for having by his chart and listing given new form and order to the 1849 emigration by the way of South Pass." Another reviewer, Doyce B. Nunis, said eloquently but deservedly: "This book is not Pritchard's diary; it is Morgan's Pritchard." One might go further to say that though it is indeed Morgan's Pritchard and though all that he adds illuminates Pritchard's work, his part is more important than Pritchard's single diary. It might well have been a separate publication in its own right, a publication of prime importance in itself, without Pritchard's material.

The full and discerning treatment and the wide extension of basic subject matter that marked Morgan's edition of Pritchard was repeated in his most recent publication, *California as I Saw It: The Diary of William McCollum,* issued in 1960. Like the diary that Pritchard kept in 1849, the book that Dr. McCollum wrote about the Gold Rush is a useful source of knowledge for historians. But more impressive than McCollum's book, which was reissued because of its extreme rarity, is Morgan's substantial introduction to the text. McCollum's book runs to some 94 pages in Morgan's edition but Morgan's introduction runs to 70 pages itself. This is not an example of pedantry overwhelming its basic text but rather of an extension by imagination and knowledge of that basic text to its utmost limits of significance. What Morgan does in this tightly written and factually based introduction is to place McCollum's little book in the context of its times by treating it as one of the few narratives of personal experience in the Gold Rush published while that rush was still in progress. Except for the slight and ephemeral letters and journals sent back to the States for publication in hometown newspapers, Morgan lists and then reviews each of the works that belong to this specialized and significant category of writings. Each is treated carefully and perceptively in itself but all together give one for the first time a clear and cumulative view of what was published about California during the very moment when it was most in the eyes of the nation, and the kind of image cooperatively created by these publications. As Doyce B. Nunis said in his review of this work: "The impeccable and brilliant scholarship of Dale L. Morgan of the Bancroft Library has breathed new and meaningful life into one of the rare personal California Gold Rush narratives... Mr. Morgan's introduction, an essay that vibrates with his attention to various sources and research enterprise, is judicious and contagiously informative... it is Dale Morgan who gives his historic dimension" to the book written by McCollum.

Dale Morgan has considerably enriched our understanding of various facets of the Western United States and of that entire frontier itself through his diverse kinds of research and publication which include basic bibliographies scrupulously and intelligently compiled; carefully annotated editions of primary documents; knowing cartographic studies of important early maps; and his own firmly based historical studies marked both by breadth of treatment and depth of interpretation. It is entirely fitting both that he should be honored by being selected as a recipient of the Henry Wagner Award and that the memory of Wagner's own contributions to Western history should be honored by the granting of an award in his name to Dale Lowell Morgan.

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